

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

June 14, 2021 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream
Meeting No. 2021-15 <https://juneau.zoom.us/j/91515424903> or call: 1-253-215-8782
Webinar ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt, City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGEMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Instruction for Public Participation

The Assembly will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. **Assemblymembers will be meeting in person, to the extent possible. In-person public participation will be limited on a first come, first served basis to no more than 8 persons in the public audience seats. Masks are required for anyone in the room who is not fully vaccinated. Attendees in excess of that number will be requested to participate via Zoom webinar.**

Testimony time will be limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org

When attending the zoom webinar [login info listed at top of agenda] to speak on an item up for public hearing or a non-agenda item please hit the 'raise hand' button if participating via a computer/tablet; if participating by phone press *9 on your phone; this will place a 'raised hand' icon next to your phone number and will add you to the queue.

V. APPROVAL OF MINUTES

A. June 2, 2021 Special Assembly Meeting 2021-14 Minutes

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VIII. CONSENT AGENDA

- A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
- B. Assembly Requests for Consent Agenda Changes
- C. Assembly Action
 - 1. Ordinances for Introduction

- a. **Ordinance 2020-09(BA) An Ordinance Appropriating up to \$550,000 to the Manager as Funding for the Capital School Park Reconstruction Capital Improvement Project; Funding Provided by Donations from the Juneau Community Foundation's Capitol Fund.**

This ordinance would appropriate up to \$550,000 as funding for the Capital School Park Reconstruction CIP. Advisors of the Juneau Community Foundation's Capitol Fund have agreed to donate funds sufficient for certain enhancements to the park. The exact amount of the donated funds is contingent on the bids to be received by CBJ for certain equipment. This donation supplements the \$1,500,000 that has already been appropriated to this project from the general obligation bond package approved by voters in October 2020.

Funding for this request is provided by donations from the Juneau Community Foundation's Capitol Fund.

This request was reviewed by the Public Works and Facilities Committee at its meeting on June 7, 2021.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- b. **Ordinance 2020-09(BB) An Ordinance Appropriating \$50,000 to the Manager as Funding for the Continuation of Contract Sheltering Services at the Juneau Arts and Culture Center for the Month of July; Funding Provided by the General Fund's Fund Balance.**

The new Glory Hall facility is experiencing some construction delays and will not be complete until mid to late July. The initial completion date of July 1 was coordinated with the provision of cold weather sheltering at the

Juneau Arts and Culture Center (JACC), a service which is provided under contract by St. Vincent's.

Not having sheltering services for the month of July would be detrimental to the clients who use those services and would likely result in ad hoc camping solutions that would have effects on the community. The Homeless Coalition, City staff and the Manager's office all agree that the best response to the construction delay is to continue sheltering at the JACC for another month.

This ordinance would provide \$50,000 to the Manager to extend the contract with St. Vincent's.

Funding for this request would be provided by the General Fund's fund balance.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

c. **Ordinance 2021-24 An Ordinance Amending the Traffic Fine Schedule Related to Duties and Responsibilities of Drivers.**

This housekeeping ordinance would clarify the penalty for driving without a license is a \$300 infraction.

Consistent with state law, the CBJ prohibits people from driving when that person's driver's license is canceled, suspended or revoked. (CBJC 72.10.028; A.S. 28.15.291). Generally, when a person has not been previously convicted of driving without a license, the penalty is an infraction. Currently, there is ambiguity in the CBJ code whether the penalty is a \$500 or \$300 infraction. The State, like other municipalities, imposes a \$300 penalty for the infraction.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

d. **Ordinance 2021-25 An Ordinance Authorizing the Manager to Lease a Fraction of Block E, South Lena Subdivision, Located at 16150 Merganser Road, to Vertical Bridge Holdings LLC, for a Communications Tower and Facility.**

This ordinance would authorize the Manager to lease municipal property located at 16150 Merganser Road, in the South Lena Subdivision, for a cell tower. On June 1, 2020 and May 10, 2021, the Assembly Lands, Housing and Economic Development Committee passed a motion of support for the lease.

The Planning Commission, at its regular public meeting on April 14, 2020, approved the special use permit for this tower, which was appealed to the Assembly. On July 7, 2020, the Assembly affirmed the Planning Commission decision, and the litigation ended.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

e. **Ordinance 2021-29 An Ordinance Amending the Sales Tax Code and the Hotel-Motel Room Tax Code Regarding the Compensatory Collection Discount.**

This ordinance would incentive sellers in the CBJ to file sales tax returns online using CBJ's existing eGov portal. Approximately 12,000 paper returns are filed each year and wider use of the online eGov portal would improve efficiencies in the CBJ Sales Tax Office. If a seller timely files a return using the online eGov portal, then the seller would receive the filing discount conferred by code (CBJC 69.05.100). Seller's filing late-returns or paper returns would not be eligible for the discount.

The Assembly Finance Committee discussed this ordinance at its meeting on June 2, 2021.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

2. Resolutions

a. **Resolution 2949 A Resolution Repealing and Reestablishing the Assembly Rules of Procedure.**

This resolution would amend the Assembly Rules of Procedure regarding liaisons. The amendments are located on page 8 of the resolution. The Assembly Human Resources Committee discussed this resolution on May 24, 2021, and the Assembly Committee of the Whole recommended adoption of this resolution at its meeting on June 7, 2021.

The Municipal Attorney has rearranged the new language in paragraph "G. Role of Board Liaison" to minimize confusion. A memo is included in the packet explaining the minor revisions.

The City Manager recommends the Assembly adopt this resolution.

b. **Resolution 2957 A Second Resolution Authorizing the Manager to Enter into Port Agreements with Cruise Line Corporations for the**

Purpose of Satisfying Requirements of the Centers of Disease Control and Prevention to Allow Cruise Ships to Visit the Port of Juneau in Calendar Year 2021.

Over the last few months, the Centers for Disease Control and Prevention (CDC) has issued orders and technical guidance for cruise ships to resume carrying passengers. One of the CDC requirements is for each port to sign a port agreement outlining important health and safety terms. The various ports in Southeast Alaska are working together with the Alaska Department of Health and Social Services to develop port agreements. On May 24, the Assembly passed Resolution 2955 which authorizes the Manager to enter into port agreements for vaccinated cruises.

This resolution is more specific to authorizing visitation by cruise lines that have traditionally catered to families, including minors that are not yet eligible for vaccination. This resolution would authorize the Manager to sign a port agreement if (1) the cruise lines provide the ship schedules in advance and (2) the cruise lines agree to the requirements of the CDC (including a simulated voyage); (3) that a minimum of 90% of the total number of passengers are vaccinated, (4) that all adults and crew are vaccinated and (5) that no more than 5% of the ship capacity is filled by unvaccinated minors. The cities of Hoonah, Ketchikan and Skagway are in the process of signing similar port agreements.

The Assembly Committee of the Whole reviewed this resolution on June 7, 2021.

The City Manager recommends the Assembly adopt this resolution.

- c. **Resolution 2958 A Resolution of the City and Borough of Juneau in Support of the US Department of Transportation and the Rebuilding American Infrastructure with Sustainably and Equity (RAISE) Grant Program.**

This resolution supports an application by CBJ Docks and Harbors for a federal grant from the US Department of Transportation, known as a RAISE grant. If awarded, the grant would provide funding for electrification of cruise ship docks owned by the City and Borough. Total project cost for the required municipal infrastructure (including power transformation) is estimated at approximately \$21 million dollars.

Under the federal rules, the CBJ would be considered a rural community applicant and as such, no match is required. However, expressing a willingness to provide a local match will enhance the scoring of the application.

This topic was discussed by the Assembly Committee of the Whole on June 7, 2021.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

a. **Bid Award - Bid No. BE20-268 Capital Transit Valley Transfer Station**

This project includes construction of a new bus transfer station with a driver breakroom building, rider shelters, a multiuse path, and a parking lot. Bids were opened on this project on June 9, 2021. The bid protest period expired at 4:30 p.m. on June 10, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS TOTAL BID

Admiralty Construction, Inc.	\$1,948,216
Island Contractors	\$2,051,077
Glacier State Contractors	\$2,444,006
Architect's/Engineer's Estimate	\$1,747,000

The City Manager recommends award of this project to Admiralty Construction, Inc. for the total amount bid of \$1,948,216.

b. **Bid Award - Bid No. BE21-164 BRH Site Improvements**

This project includes reconstruction of Hospital Drive from the Johnson Youth Center at 3252 Hospital Drive to the registration entrance, reconstruction of Hospital Access Road from Hospital Drive to Salmon Creek Lane, and reconstruction of the back parking lot past the emergency room entrance. It also includes continuing addition of new water main on Hospital Drive from the Johnson Youth Center to the registration entrance.

Bids were opened on this project on June 10, 2021. The bid protest period expired at 4:30 p.m. on June 11, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS TOTAL BID

Admiralty Construction, Inc.	\$1,917,146
Architect's/Engineer's Estimate	\$1,700,000

The City Manager recommends award of this project to Admiralty Construction, Inc. for the total amount bid of \$1,917,146.

IX. PUBLIC HEARING

A. **Ordinance 2021-23 An Ordinance Amending the Elections Code for City and**

Borough of Juneau Municipal Elections.

This ordinance would amend the CBJ Elections Code Title 29 for absentee and mail-in elections by removing the witness signature requirement and by requiring a personal identifier for the voter instead. A witness signature is not as secure as requiring a personal identifier for a voter participating by mail or absentee and a witness signature can impose unnecessary burdens on some people voting. A personal identifier could be one of the following: the voter's date of birth, the voter's voter registration number, the last four digits of the voter's social security number, or the voter's Alaska driver's license number. Those personal identifiers would then be protected by a privacy flap on the return ballot envelope.

The Assembly Human Resources Committee discussed these changes at its May 24, 2021 meeting and recommended this ordinance for Assembly consideration.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2021-22 An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

On April 26, 2021, the Assembly enacted Emergency Ordinance 2021-11, which reestablished the COVID-19 Mitigation Strategies and provided for a penalty. That ordinance is set to expire on July 31, 2021, and requires the Manager to keep it consistent with Centers for Disease Control and Prevention (CDC) guidance and "present the revisions to Exhibit A at regular or special Assembly meetings for ratification." The CDC has revised its guidance for fully vaccinated people. Consistent with Emergency Ordinance 2021-11, the Manager has updated Exhibit A and it is ready for Assembly ratification.

Ordinance 2021-22 would ratify the CDC changes to Exhibit A and continue to keep the COVID-19 Mitigation Measures in Exhibit A as requirements. If the Assembly adopts this ordinance on June 14, then it would be effective on July 15. The Assembly has discretion to extend the expiration date beyond July 31 currently in the ordinance. Between now and the effective date, the Manager's changes to Exhibit A would still be in effect, which would allow fully vaccinated people to forgo masking in most places while still requiring unvaccinated people to wear a mask in most indoor public settings.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2021-17 An Ordinance Providing for the Levy and Collection of a Temporary 3% Areawide Sales Tax on the Price of All Taxable Sales of Goods and Services Delivered within the City and Borough of Juneau, to be in Effect Five Years from July 1, 2022, through July 1, 2027; and Calling for an Election on Whether Such Sales Tax Shall Be Levied.

The CBJ has a 5% sales tax rate, which is comprised of a permanent 1% tax, a temporary 1% tax, and a temporary 3% tax. The voters have authorized the

temporary 3% tax every five years, and it currently expires on July 1, 2022. The temporary 3% tax is necessary to provide a stable revenue base for municipal services like police, fire, parks, libraries, and capital projects. This ordinance would place the temporary 3% tax on the ballot for the October 5, 2021, election.

This ordinance was reviewed by the Assembly Finance Committee at the June 2, 2021 meeting.

The City Manager recommends the Assembly adopt this ordinance.

- D. Ordinance 2020-09(AX) An Ordinance Deappropriating \$2,500,000 from the Manager as Funding for the Purchase of a Building at 3225 Hospital Drive, and Appropriating \$2,750,000 to the Manager as Funding for the Crisis Stabilization Capital Improvement Project; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.**

This ordinance would deappropriate \$2,500,000 of Bartlett Regional Hospital (BRH) Fund's fund balance and appropriate \$2,750,000 as funding for BRH's Crisis Stabilization CIP (B55-080). BRH was unable to purchase the office building located at 3225 Hospital Drive, which currently houses a BRH clinical program. BRH's lease on the clinic space expires in December 2022 and is unlikely to be renewed. To house the clinical program at the hospital campus, BRH is proposing to use this funding to add a floor to the behavioral health facility currently under construction.

Funding for the appropriation would be provided by Bartlett Regional Hospital Fund's fund balance.

This request was reviewed and approved by the BRH Board at its April 27, 2021 meeting. This request was reviewed by the Public Works and Facilities Committee at its May 10, 2021 meeting.

The City Manager recommends the Assembly adopt this ordinance.

- E. Ordinance 2020-09(AY) An Ordinance Transferring \$550,000 from CIP H51-116 Marine Park to Taku Improvements/Archipelago to CIP H51-120 Seawalk Major Maintenance and CIP R72-144 South Franklin Sidewalk Safety and Capacity Improvements.**

This ordinance would transfer \$550,000 of state marine passenger fees from the Marine Park to Taku Improvements/Archipelago CIP to two related waterfront projects.

\$500,000 will go to the South Franklin Sidewalk Safety and Capacity Improvements CIP to relocate light poles and install sidewalk stanchions on South Franklin, which will increase pedestrian safety along this busy transportation corridor.

\$50,000 will go to the Seawalk Major Maintenance CIP to repair the seawalk

between Taku Smokeries and the Fishermen's Memorial.

Work on both of these projects is anticipated to be completed prior to the 2022 cruise ship season.

This request was reviewed by the Public Works and Facilities Committee at its meeting on May 10, 2021.

The City Manager recommends the Assembly adopt this ordinance.

F. Ordinance 2020-09(AZ) An Ordinance Transferring \$500,000 from CIP P47-073 Centennial Hall Renovation Phase 2 to CIP F21-041 Downtown/Glacier Fire Stations Mechanical and Electrical Upgrades.

This ordinance would transfer \$500,000 from the Centennial Hall Renovation CIP to the Downtown/Glacier Fire Stations Mechanical and Electrical Upgrades CIP.

The \$500,000 was provided on a short-term basis to the Centennial Hall Renovation CIP to complete the project design. The \$500,000 would be transferred to the Fire Station Mechanical and Electrical Upgrades CIP to install ground source heat pump (GSHP) loop fields at the Downtown and Valley fire stations. The additional funding is needed to upgrade the heat system from air source to ground source after a study determined the GSHP to provide the best long-term heating solution at the two fire stations. The study found the life cycle costs of the two options similar but the ground source heat system offered redundancy in the form of an electric boiler that the air source system did not provide.

This request was reviewed by the Public Works and Facilities Committee at its meeting on May 10, 2021.

The City Manager recommends the Assembly adopt this ordinance.

G. Ordinance 2021-20(b) An Ordinance Amending the Compensation for Assemblymembers, the Mayor, and Certain Boards.

CBJ Charter section 3.10 provides the Assembly—by ordinance—shall set the compensation for the Mayor and other Assemblymembers. However, an ordinance that increases Assemblymember compensation shall not take effect until after the October election.

This ordinance would establish the compensation for the Planning Commission and the Hospital Board of Directors at \$225 per month, establish the compensation for the Mayor at \$3,500 per month, and establish the compensation for other Assemblymembers at \$750 per month. This ordinance would take effect on January 1, 2022.

On March 10, 2020, the Assembly Finance Committee amended this ordinance to include the Planning Commission and Hospital Board. On May 5, 2021, the

Assembly Finance Committee also discussed this topic. On June 7, 2021, the Committee of the Whole recommended the Assembly adopt version (b) of this ordinance.

The Charter requires the Assembly to set its own pay.

X. UNFINISHED BUSINESS

A. Ordinance 2021-10(b) An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2021 Based Upon the Proposed Budget for Fiscal Year 2022.

This ordinance establishes the mill rates for property taxes for 2021, which funds a significant portion of the City and Borough of Juneau's FY22 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY22 Revised Budget as amended by the Assembly Finance Committee (AFC). As part of the budget review process, the AFC reviews, amends and recommends to the Assembly the final mill levies. For FY22, the AFC recommends no change in mill rate from the FY21 Adopted Budget, resulting in a total mill levy of 10.66 mills, the components of which are:

Operating Mill Rate by Service Area	Millage	Change from FY21 Adopted
Roaded Service Area	2.45	-
Fire Service Area	0.31	-
Areawide	6.70	-
Operating Total	9.46	-
Debt Service	1.20	-
Total	10.66	-

An opportunity for public comment was provided at a Special Assembly meeting on April 21, 2021. The AFC reviewed the mill rate ordinance at its meetings on April 21 and May 19, referring the amended ordinance to the full Assembly for adoption.

The City Manager recommends the Assembly adopt this ordinance as amended by the Assembly Finance Committee.

B. Ordinance 2021-08(b) An Ordinance Appropriating Funds from the Treasury for FY22 City and Borough Operations.

This ordinance appropriates \$420,910,500 in expenditure authority for the City and Borough of Juneau's FY22 operating budget, excluding the School District. This

ordinance appropriates all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves.

This ordinance also recognizes \$400,091,000 of forecast revenue and transfers-in and decreases fund balances, across all funds, by \$20,819,500. The forecast revenue and draw from fund balance are sufficient to fund the budgeted expenditures.

The original ordinance was introduced at the April 5, 2021 Regular Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at a Special Assembly meeting on April 21, 2021. The AFC referred the amended budget ordinance to the full Assembly for adoption at the May 19, 2021 AFC meeting. The Charter requires adoption of the FY22 operating budget by June 15.

The City Manager recommends the Assembly adopt this ordinance, as amended by the Assembly Finance Committee.

C. Resolution 2937(b) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2022 through 2027, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2022.

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2022 through 2027, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY22.

The Planning Commission reviewed the preliminary CIP at its February 23, 2021 meeting. The Public Works and Facilities Committee (PWFC) reviewed the preliminary CIP at its March 15, 2021 meeting and forwarded the plan to the Assembly.

The CIP resolution was introduced at the April 5, 2021 Regular Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at a Special Assembly meeting on April 21, 2021. The AFC referred the amended resolution to the full Assembly for adoption at the May 5, 2021 AFC meeting. The Charter requires adoption of the FY22 CIP by June 15.

The City Manager recommends the Assembly adopt this resolution, as amended by the Assembly Finance Committee.

XI. NEW BUSINESS

A. Recommended Protest of Liquor License #300 Renewal for DeHart's, LLC

This liquor license renewal went before the Assembly Human Resources

Committee (HRC) on May 24, 2021. The HRC recommended the protest stand until cured and make a final determination when the license comes before the full Assembly at its regular meeting on June 14, 2021. Staff will then forward the Assembly action to the State Alcohol & Marijuana Control Office (AMCO) and notify the licensee.

The AMCO 60-day comment period from the local governing body ends Tuesday, June 15, 2021.

B. CDD v. PC (Variance appeal)

On May 20, 2021, the Planning Commission granted a variance for a lot depth requirement to Natalia Golovatiuk near 2815 Peters Lane. The Community Development Department Director filed a timely appeal.

The CBJ Charter 3.16(b) explicitly gives a CBJ employee the ability to appeal a board decision, like a Planning Commission decision, to the Assembly.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly would sit in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

The City Attorney recommends the Assembly accept this appeal and appoint a presiding officer at this time.

C. Norwegian Cruise Lines Donation to CBJ

Please see the memo from the City Manager in the packet.

D. Cruise Season Schedule, Services

In your packet is the updated cruise ship schedule for this summer. The schedule can be found online at CLAA's site (<https://claalaska.com>). Prior to the start of this season, we will revisit our recommendations on provision of contract services. We will budget CBJ Marine Passenger Fees conservatively based on the schedule as ships are not expected to be full due to COVID protocols and the logistics of bringing the vessels and crews back into service. So far, two agencies have requested consideration for funding (Travel Juneau, to provide crossing guards @ ~\$28K and DBA to provide Ambassador services @ \$10K). Due to the

compressed schedule and shortage of meetings, we will calendar an appropriation ordinance of CBJ Marine Passenger Fees for introduction on July 12 and public hearing on August 3.

E. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

There are seven property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

F. Resolution 2956 A Resolution Designating Certain City and Borough of Juneau Property for Use of Fireworks.

The Assembly adopted Ordinance 2021-03 on May 24, 2021, which regulates the use of fireworks. Ordinance 2021-03 allows the Assembly to designate CBJ property for use of fireworks. At the request of Assemblymember Smith, this resolution would designate CBJ property managed by Parks and Recreation, Docks and Harbors, and Eaglecrest for use of fireworks consistent with Ordinance 2021-03.

Because this is a policy issue, the City Manager does not have a recommendation.

XII. STAFF REPORTS

XIII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

1. TDLH LLC v. CDD Director (grading permit appeal)

This appeal relates to a grading permit for property located near 3101 Mendenhall Loop Road. The Community Development Department revoked the grading permit in early March. Travis Arndt, the representative for the property owner, TDLH LLC, appealed.

The Assembly accepted this appeal and referred it to a Hearing Officer (Scott Brandt-Erichsen). The Hearing Officer conducted a prehearing conference. On May 20, the Hearing Officer granted a joint motion to suspend all deadlines in the appeal through August 1, 2021, so the property owner could pursue a permitting process with CDD/Planning Commission.

There is no action for the Assembly at this time.

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVISUPPLEMENTAL MATERIALS

A. RED FOLDER: Budget Ordinance 2021-08(b)(am) Proposed Amendment

Suggested Motion:

I move to amend CBJ Budget Ordinance 2021-08(b) to incorporate the changes in the attached redlined version of the ordinance, for the purpose of adding expenditure authority for the continuation of contract sheltering services at the Juneau Arts and Culture Center for the Month of July, to be funded by the General Fund's fund balance.

XVIADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

THE CITY AND BOROUGH OF JUNEAU, ALASKA
SPECIAL ASSEMBLY MEETING
DRAFT Meeting Minutes – June 2, 2021

- I. MEETING NO. 2021-14:** The Special Assembly Meeting of the City and Borough of Juneau Assembly held in person in the Assembly Chambers and virtually via Zoom webinar, was called into order by Deputy Mayor Loren Jones at 6:02p.m.

II. ROLL CALL

Assemblymembers Present: Maria Gladziszewski, Loren Jones, Wade Bryson, Carole Triem, Michelle Hale, Christine Woll, Greg Smith

Assemblymembers Absent: Mayor Beth Weldon, Alicia Hughes-Skandijs

Staff Present: City Manager Rorie Watt, Deputy City Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Library Director EOC/PC Robert Barr, Finance Director Jeff Rogers, Budget Analyst Adrien Speegle, Assistant City Attorney Sherri Layne, Engineering/Public Works Director Katie Koester, Controller Sam Muse, Assessor Mary Hammond

III. APPROVAL OF AGENDA

Deputy Mayor Jones noted that the agenda was missing the Public Participation on Non-Agenda item and added it as Item V on the agenda. There being no other agenda changes, the agenda was approved as amended.

IV. AGENDA TOPICS

A. Ordinance for Introduction: Ordinance 2021-23 An Ordinance Amending the Elections Code for City and Borough of Juneau Municipal Elections

This ordinance would amend the CBJ Elections Code 29 for housekeeping purposes as well as codifying the change to no longer require a witness signature on a by mail return ballot envelope. To ensure voter identification and security, this amendment would also require the voter to add one personal identifier on the return ballot envelope and provide for greater security of the voter's signature and identification by requiring a privacy flap over those portion of the return ballot envelope.

Housekeeping changes to the code provide for consistency of language between the code sections pertaining to by mail elections and other forms of election as well as some minor language updates to reflect the terms and methods used in the twenty-first century.

The Assembly Human Resources Committee discussed these changes at its May 24, 2021 meeting and directed staff to draft this ordinance for Assembly consideration.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

ASSEMBLY ACTION:

MOTION by Ms. Gladziszewski to introduce Ordinance 2021-23 and set for public hearing at the next regular Assembly meeting. *Hearing no objection, the motion carried.*

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Starr Parmely, a Douglas resident, in honor of the Memorial Day Holiday on Monday, recognized the sacrifices of those who have served in the US Armed forces. He also extended his gratitude for public servants, including the Assemblymembers as well as the veterans and those currently serving in the military.

VI. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 6:07p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

Presented by: The Manager
Introduced: June 14, 2021
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-09(BA)

An Ordinance Appropriating up to \$550,000 to the Manager as Funding for the Capital School Park Reconstruction Capital Improvement Project; Funding Provided by Donations from the Juneau Community Foundation's Capitol Fund.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of up to \$550,000 as funding for the Capital School Park Reconstruction Capital Improvement Project (P41-100).

Section 3. Source of Funds:

Juneau Community Foundation's Capitol Fund	\$550,000
--	-----------

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: June 14, 2021
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-09(BB)

An Ordinance Appropriating \$50,000 to the Manager as Funding for the Continuation of Contract Sheltering Services at the Juneau Arts and Culture Center for the Month of July; Funding Provided by the General Fund's Fund Balance.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of \$50,000 as funding for the continuation of contract sheltering services at the Juneau Arts and Culture Center for the month of July.

Section 3. Source of Funds

General Fund's Fund Balance	\$50,000
-----------------------------	----------

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 06/14/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-24

An Ordinance Amending the Traffic Fine Schedule Related to Duties and Responsibilities of Drivers.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC 03.30.051 Traffic fine schedule, is amended to read:

03.30.051 Traffic fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, those of the following traffic offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed in the following schedule:

...

CBJ	OFFENSE	FINE
...	...	...
Chapter 72.10	Duties and Responsibilities of Drivers and Others	
...	...	...
72.10.027(e)	Overtaking and passing a school bus	300.00
<u>72.10.028(a)(2)</u>	<u>Driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked</u> <u>1st</u>	<u>300.00</u>
72.10.028 (a)(3)	<u>Limitation placed on license or privilege to drive in this or another jurisdiction</u> <u>1st</u>	300.00
...	...	...

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 06/14/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-25

An Ordinance Authorizing the Manager to Lease a Fraction of Block E, South Lena Subdivision, Located at 16150 Merganser Road, to Vertical Bridge Holdings LLC, for a Communications Tower and Facility.

WHEREAS, Vertical Bridge Holdings LLC has applied for a lease totaling approximately 10,000 square feet of land entirely within Block E, South Lena Subdivision, located at 16150 Merganser Road, as generally depicted in the attached Exhibit "A"; and

WHEREAS, the purpose of the lease is to allow for the construction, operation, and maintenance of a communications tower and facility; and

WHEREAS, the Planning Commission, at its regular public meeting on April 14, 2020, adopted the analysis and findings in the Notice of Decision (NOD) and approved the special use permit for this tower, which was affirmed on appeal; and

WHEREAS, at the June 1, 2020 and May 10, 2021 meetings, the Assembly Lands, Housing, and Economic Development Committee passed a motion of support to lease property to Vertical Bridge Holdings LLC at 16150 Merganser Road for fair market value.

THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Authorization to Execute Lease and Provide for Access/Utility Corridor to Lease Site. The Manager is authorized to execute a lease to Vertical Bridge Holdings LLC, Inc., for approximately 10,000 square feet within Block E, South Lena Subdivision, and provide for a twenty thousand two hundred ninety-eight (20,298) square foot non-exclusive access and utility easement, twenty (20) feet wide, ten (10) feet each side of the centerline, located within Block E, South Lena Subdivision, all as generally depicted in Exhibit "A".

Section 3. Essential Terms and Conditions. The lease will include, at a minimum, the following terms and conditions:

- (a) The lease term shall be for a period of five years, plus six five-year renewal periods.

- (b) The use of the lease site shall be for the sole purpose of constructing, maintaining, and operating a communications tower/facility.
- (c) Rent shall be established according to the following schedule:
 - (1) Thirteen Hundred Dollars (\$1,300.00) per month as base rent, which includes the first sublease;
 - (2) Plus 35% of rent charged in any sublease;
 - (3) Any sublease after the first, which is included in the base rent, shall be calculated and payable on a monthly basis.
 - (4) In addition, there shall be an automatic 3% annual escalation of the base rent charged.
- (d) In addition to the above, during the lease and lease renewal periods, rent shall be subject to adjustment every five years to reflect changes in the market rent.
- (e) Lessee shall ensure all equipment and activities on the leased premises operate in a manner which will not cause unreasonable interference with the operations of the City and Borough or other authorized users in the vicinity of the leased premises.
- (f) Lessee shall comply with all applicable federal, state, and local laws, and regulations in maintaining, operating, and leasing its communications tower/facility on the leased premises.
- (g) Lessee shall indemnify, defend, and hold harmless the City and Borough and its officers, agents, and employees from any claims related to or arising out of Lessee's development, use, operation, or maintenance of the lease or any improvements on the lease.

Section 4. Other Terms. The Manager may include other lease terms he or she determines to be in the public interest.

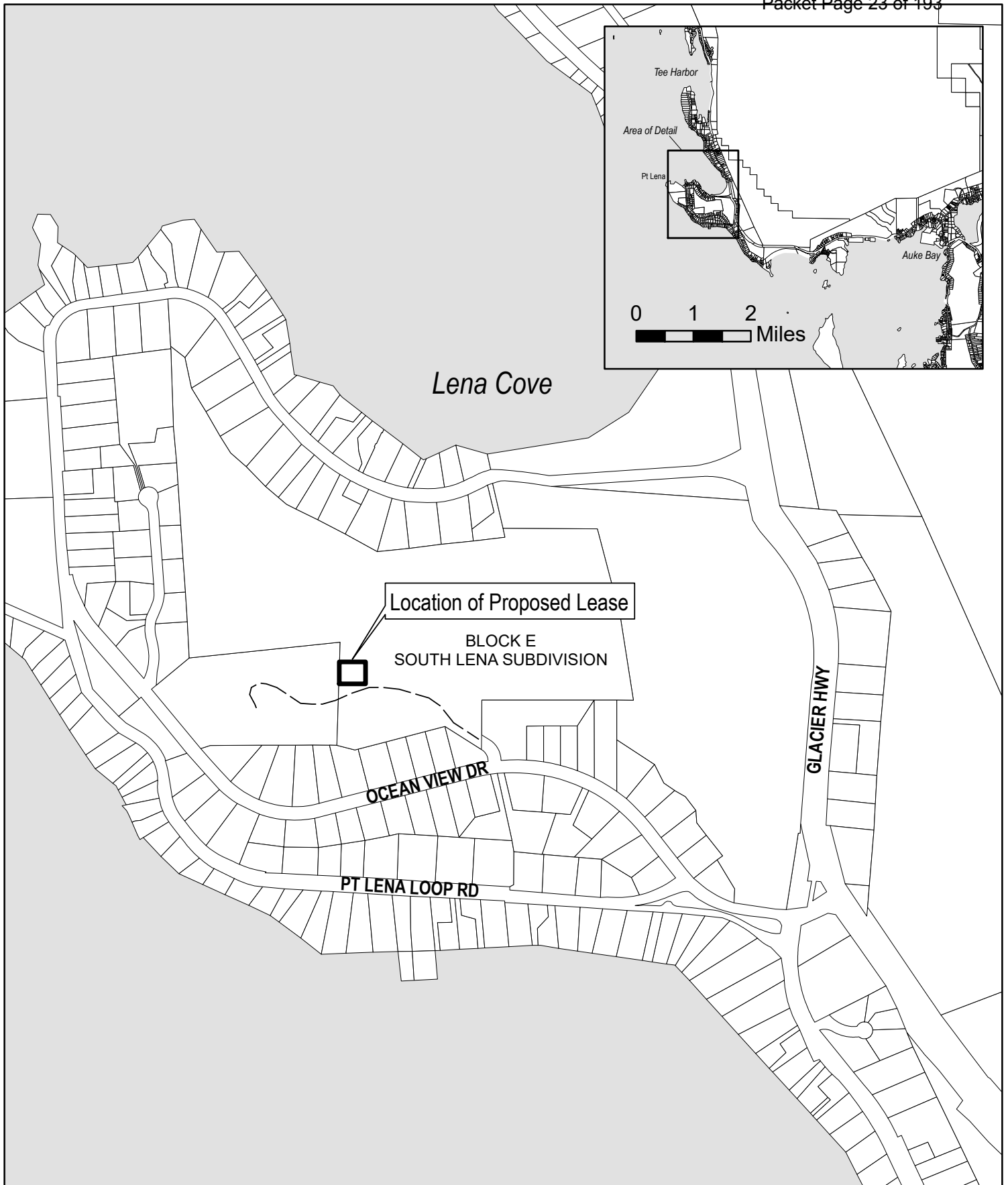
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

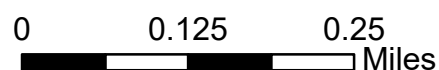
Elizabeth J. McEwen, Municipal Clerk



GIS project source: P:\quinn\Projects\LAW\vertical_bridge_holdings.mxd

Exhibit A

Ordinance No. 2021-25



Presented by: The Manager
Presented: 06/14/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-29

An Ordinance Amending the Sales Tax Code and the Hotel-Motel Room Tax Code Regarding the Compensatory Collection Discount.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 69.05.080 Sellers' compensatory collection discount, is amended to read:

65.05.080 Sellers' compensatory collection discount.

All sellers and persons rendering sales tax returns to the City and Borough through the CBJ online portal, including transportation network companies collecting and remitting tax on behalf of transportation network drivers, shall be allowed to compensate themselves for costs incurred in the collection, recordkeeping, remittance, and accounting for the tax imposed by taking the greater of \$10.00 or one percent of the tax due as a tax collection discount to reduce the tax to be remitted on any period return that is timely filed through the CBJ online portal with a remittance of all sales tax due, provided, however, that the tax collection discount may reduce the tax to zero but shall not result in a credit. The deduction may not exceed \$50.00 for any monthly filing period or \$100.00 for any calendar quarter or longer filing period, and may

not be taken if any sales tax, penalty, or interest is due for any previous filing period, or if any submittal method other than the CBJ online portal is used.

Section 3. Amendment of Section. CBJ 69.07.060 Operator's compensatory collection discount, is amended to read:

65.07.060 Operator's compensatory collection discount.

All operators rendering hotel-motel tax returns to the City and Borough through the CBJ online portal shall be allowed to compensate themselves for costs incurred in the collection, recordkeeping, remittance and accounting for the tax imposed by taking the greater of \$10.00 or one percent of the tax due as a tax collection discount to reduce the tax to be remitted on any period return that is timely filed through the CBJ online portal with a remittance of all hotel-motel tax due, provided, however, that the tax collection discount may reduce the tax to zero but shall not result in a credit. The deduction may not exceed \$50.00 for any monthly filing period or \$100.00 for any calendar quarter or longer filing period and may not be taken if any hotel-motel tax, penalty or interest is due for any previous filing period, or if any submittal method other than the CBJ online portal is used.

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



MEMORANDUM

DATE: June 10, 2021
 TO: Mayor and Assembly
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Res. 2949: Assembly Rules re Liaisons

On June 7, 2021, the Assembly Committee of the Whole discussed draft Resolution 2949, which relates to the role of liaisons. During the meeting, the Committee revised the draft resolution and ultimately recommended it for Assembly action on June 14, 2021.

However, during my post-Committee review of the resolution, I believe some minor rearranging revisions are warranted to minimize confusion in paragraph "G. Role of Board Liaison" (page 8 of Res. 2949), which is an entirely new provision. I do not believe the following revisions change the substance of the Committee's work.

COW's Agreed Upon Language

G. Role of Board Liaison. Any board liaison to an Assembly committee should sit with the committee at all times; such board liaison may have the right to participate in committee discussion except that Assembly members of the committee shall have priority in obtaining the floor and only committee members may vote. Board liaisons shall be recommended by the board to the Assembly for approval. Board liaisons shall participate in Assembly committee discussions at the pleasure of the chair of the Assembly committee.

Palmer's Rearranging Revisions

G. Role of Board Liaison. ~~Board liaisons shall be recommended by the board to the Assembly for approval.~~ Any board liaison to an Assembly committee should sit with the committee at all times; ~~such.~~ A board liaison may have the right to participate in committee ~~discussion~~ discussions at the pleasure of the chair of the Assembly committee except that Assembly members of the committee shall have priority in obtaining the floor ~~and only committee.~~ Only Assembly members may vote. ~~on the Board liaisons shall be recommended by the board to the Assembly for approval. Board liaisons shall participate in Assembly committee discussions at the pleasure of the chair of the Assembly committee.~~ may vote.

I have inserted my proposed revisions into Resolution 2949 that is set for approval on the consent agenda. If the Assembly would like to revert back to the language agreed upon by the Committee of the Whole, then Resolution 2949 would need to be pulled from consent and amended.

Presented by: COW
Presented: 6/14/2021
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2949

A Resolution Repealing and Reestablishing the Assembly Rules of Procedure.

WHEREAS, it is necessary for the orderly conduct of business that rules of procedure be adopted for the Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Rules of Procedure. The following rules of procedure are adopted:

RULE 1. AGENDA.

A. Order of Business. At all regular meetings the order of business shall be:

- I. Flag Salute
- II. Land Acknowledgment
- III. Roll Call
- IV. Approval of Minutes
- V. Manager's Requests for Agenda Changes
- VI. Public Participation on Non-agenda Items (Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual)
- VII. Consent Agenda
 - A. Public Requests for Consent Agenda Changes, Other than Ordinances for Introduction
 - B. Assembly Requests for Consent Agenda Changes
 - C. Assembly Action
- VIII. Ordinances for Public Hearing
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action
- IX. Unfinished Business
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action
- X. New Business

- 1 A. Administrative or Committee Reports
- 2 B. Public Hearing
- 3 C. Assembly Action
- 4 XI. Staff Reports
- 5 XII. Assembly Reports
- 6 A. Mayor's Report
- 7 B. Committee Reports
- 8 C. Liaison Reports
- 9 D. Presiding Officer Reports
- 10 XIII. Assembly Comments and Questions
- 11 XIV. Continuation of Public Participation on Public Participation on Non-
- 12 agenda Items
- 13 XV. Executive Session
- 14 XVI. Adjournment

15
16 B. Agenda Preparation. The agenda shall be prepared by the Manager subject
17 to review and revision by the Mayor. The Mayor or the Manager shall brief the
18 Assembly as to any revisions. Other matters may be considered under
19 administrative reports, unfinished business, or new business as applicable.

- 20 C. Consent Agenda. The Manager shall include under the consent agenda:
- 21 1. Ordinances for introduction;
 - 22 2. Resolutions;
 - 23 3. Bid awards requiring Assembly concurrence; and
 - 24 4. Other items requiring Assembly action which do not involve substantial
 - 25 public policy questions.

26 The Manager shall include with the agenda such supplemental material or reports
27 as may be necessary to explain each item on the consent agenda and shall include a
28 specific recommendation for Assembly action on each item. Material, reports, and
29 recommendations submitted in writing to each member present and which are
30 available for public inspection prior to the Assembly meeting need not be read aloud,
31 but the minutes shall reflect the Manager's recommendation on each consent agenda
32 item adopted. Upon adoption of a motion to adopt the consent agenda, all consent
33 agenda items subject to the motion are adopted as recommended by the Manager.
34 The motion to adopt may not be amended; provided, upon the request of any
35 member, an item on the consent agenda shall be removed from the consent agenda
36 and placed under the appropriate regular agenda item for Assembly action. A notice
37 or motion for reconsideration or a motion to rescind a consent agenda motion shall
38 contain reference to the specific consent agenda item which is the subject of the
39 notice or motion and only that item shall be affected by the notice or motion.

40
41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

RULE 2. MEETINGS.

A. Date and Time of Regular Meetings. The Assembly shall regularly meet at 7:00 p.m. every third Monday according to a schedule approved by the Assembly and published by the Clerk’s office. The Assembly may by motion or otherwise change the date of a meeting as may be necessary or convenient.

B. Place of Regular Meetings. Regular Assembly meetings shall be held in the Assembly Chambers at the Municipal Building at 155 South Seward Street, Juneau, Alaska, unless the Assembly, at a preceding regular or special meeting has, by motion or otherwise, designated a different place for a particular meeting.

C. Special Meetings. Special meetings may be called and held as provided by the Charter.

D. Time of Adjournment. Meetings will adjourn at 11:00 p.m. unless extended by a vote of at least six members.

E. Public seating area. People in a meeting room must comply with all laws, including occupancy and public health requirements.

RULE 3. ASSEMBLYMEMBER ATTENDANCE POLICY FOR REGULAR MEETINGS.

A. Excused Absences. Any absence of an Assemblymember from a regular meeting of the Assembly shall be deemed to be unexcused unless the Assemblymember is absent from the meeting as a result of attending to official business on behalf of the City and Borough of Juneau, for extenuating medical reasons, or for other significant cause, in which case the absence shall be deemed to be excused.

B. Attendance Report. Upon request of the Human Resources Committee, the Manager shall direct the Clerk to provide to the Assembly quarterly reports on attendance at regular Assembly meetings.

RULE 4. LEGISLATION.

A. Drafting. The Attorney shall draft ordinances and resolutions

1. For presentation to the Assembly only
 - (a) by vote or consensus of the Assembly,
 - (b) by vote of a standing or ad hoc Assembly committee,
 - (c) by request of the Mayor, the Manager, or any member, or
 - (d) on the Attorney’s own initiative to correct errors not otherwise correctable in any section or to make amendments to Title 01.45 the Conflict of Interest Code, Title 01.50 the Appellate Code, Title

01.60 the Regulation Procedures Code, Title 03.30 the Code Enforcement Code, Title 42 the Penal Code, or any section imposing duties on the Attorney.

2. For presentation to a standing or ad hoc Assembly committee only by vote of the committee, request of its chair, or by direction of the Assembly.

B. Procedure. Upon presentation of an ordinance, any member may move that it be introduced and set for public hearing, referred to committee, deferred, or rejected as provided in Charter section 5.3. If the motion is for referral to committee, the Mayor shall refer the ordinance to the appropriate committee. The Mayor's referral may be changed by a majority vote of the members of the Assembly. If the motion is for introduction, the motion shall set a date for the public hearing. All such motions may be amended.

RULE 5. COMMITTEES.

A. Standing Committees. The Assembly shall have the following standing committees:

1. Committee of the Whole
2. Finance Committee
3. Human Resources Committee
4. Lands, Housing, and Economic Development Committee
5. Public Works and Facilities Committee

Any member of the Assembly may sit with any committee at all times; such member shall have the right to participate in committee discussion except that members of the committee shall have priority in obtaining the floor and only committee members may vote. Reasonable opportunity for the public to be heard shall be allowed at committee meetings other than those designated as work sessions.

B. Special Committees. The Assembly shall have such special committees as may be considered necessary. Special committees automatically terminate upon completion of the committee's assignment.

C. Selection, Process and Duties of Committees of the Assembly.

1. Standing Committees.

- (a) With the exception of the Committee of the Whole, the Finance Committee, and the Human Resources Committee in proceedings pursuant to Rule 5(C)(2)(f), there shall be not more than four Assemblymembers appointed to each standing committee of the Assembly. Each Assemblymember will be appointed to at least one, but not more than three, standing committees, in addition to the Finance Committee and the Committee of the Whole.

- 1 (b) Nominations for standing committee appointments and for the
2 position of chair of each such committee shall be made by the
3 Mayor, and shall be subject to ratification by the Assembly. In
4 making nominations for committee appointments, the Mayor shall
5 strive to ensure, to the extent reasonably possible, that there is a
6 balance and diversity of opinion, viewpoints, and perspective
7 among the Assemblymembers nominated for committee
8 membership, and that there is at least one Assemblymember
9 nominated for appointment to each committee who has expertise in
10 the areas assigned to the committee.
- 11 (c) Each year following the regular municipal election, all
12 Assemblymembers will be given an opportunity to indicate in
13 writing which of the standing committees they request to serve on.
14 At least two of the nominations for appointment for each standing
15 committee shall be made from those Assemblymembers, if any, who
16 have requested to serve on the committee for which the
17 appointments are to be made. The nomination for membership and
18 chair positions shall be made by the Mayor and ratified by the
19 Assembly within seven days of the first meeting after the
20 certification of the regular municipal election each year. All
21 committee members shall be appointed to serve for a term expiring
22 upon ratification by the Assembly of the committee appointments
23 following the next regular municipal election. All committee
24 members serve at the pleasure of the Assembly.
- 25 (d) A standing committee may at the call of its chair or the vote of its
26 membership take up any matter within the scope of its charge
27 established by these rules and not pending as legislation authorized
28 by the Assembly. Matters not within the scope of any standing
29 committee, or within the scope of more than one standing
30 committee shall be assigned by the Mayor.
- 31 (e) Each committee shall refer information to and coordinate activities
32 with other appropriate committees. Issues referred to another
33 committee and any directions to the Manager must have the
34 concurrence of a majority of the committee members.
- 35 2. Human Resources Committee. The Human Resources Committee may
36 take up issues relating to the health and well-being of Juneau citizens
37 and their participation in local government. The duties of the Human
38 Resources Committee shall include:
 - 39 (a) Nominating citizens to all CBJ boards and commissions.
40 Appointment to such bodies shall be made by the full Assembly;

- (b) Making recommendations to the full Assembly regarding the issuance, renewal or transfer of liquor licenses, restaurant designation permits, and marijuana licenses;
 - (c) Reviewing and proposing amendments to these Rules;
 - (d) *Reserved.*
 - (e) Overseeing Juneau's relations with its sister cities;
 - (f) Membership for Certain Appointments. The Human Resources Committee shall meet as needed to recommend appointments to the Planning Commission, the Hospital Board, the Ski Area Board, the Docks and Harbors Board, and the Airport Board. The Mayor and all Assemblymembers shall serve as members of the Committee and the Human Resources chair shall serve as chair at these meetings.
 3. Finance Committee. The Finance Committee may take up issues relevant to the fiscal status of the CBJ. The Mayor and all Assemblymembers shall serve as members of the Finance Committee. The duties of the Finance Committee shall include:
 - (a) Review of the Manager's proposed budget and recommendations to the Assembly for a final budget;
 - (b) Review of the fiscal policies of the CBJ as deemed necessary by the committee.
 4. Committee of the Whole. The Committee of the Whole may take up those issues within the jurisdiction of multiple committees and those warranting detailed review prior to consideration by the Assembly. The Mayor and all Assemblymembers shall serve as members of the Committee of the Whole. Generally, the rules of the Assembly shall be followed in the Committee of the Whole, provided that, at the discretion of the chair, the rules may be relaxed and the rules relating to participation by the presiding officer and the number of times a member may speak shall not be in effect unless otherwise ordered by a majority of the committee. In preparing the committee agenda the chair shall consult with the Mayor.
 5. Lands, Housing, and Economic Development Committee. The Lands, Housing, and Economic Development Committee may take up issues relevant to the lands, housing, economic development, water or air within the City and Borough. The duties of the Lands, Housing, and Economic Development Committee shall include recommendations to the Assembly regarding:
 - (a) The preparation and revision of a land management plan and the acquisition and disposal of CBJ lands;

- 1 (b) The administration of the lands fund and the mineral holdings of
2 the CBJ;
- 3 (c) Implementation of the Long Range Waterfront Development Plan,
4 and issues relating to use and development of the CBJ waterfront;
- 5 (d) Promotion of improved housing availability in the City and
6 Borough; and
- 7 (e) Promotion of a vibrant and diverse local economy.
- 8 6. Public Works and Facilities Committee. The PWFC may take up issues
9 relevant to the infrastructure of CBJ, including transportation and
10 utilities. The duties of the PWFC shall include:
 - 11 (a) Making recommendations to the Assembly regarding the capital
12 improvement program required by Charter section 9.2 and other
13 capital improvement plans and lists;
 - 14 (b) Advising each newly elected Assembly of unfinished capital projects
15 to be continued;
 - 16 (c) Making recommendations to the Assembly regarding the
17 preparation and revision of an areawide transportation plan;
 - 18 (d) Making recommendations related to energy efficiency, renewable
19 resources, waste reduction and recycling, global warming and green
20 building.
- 21 7. Special Committees. Nominations for special committee appointments
22 and the chair position of each special committee shall be made by the
23 Mayor, and shall be subject to ratification by the Assembly. In making
24 nominations for special committee appointments, the Mayor shall strive
25 to ensure, to the extent reasonably possible, that there is a balance of
26 opinion, viewpoints, and perspective among the Assemblymembers
27 nominated for committee membership, and that there is at least one
28 Assemblymember nominated for appointment to each such committee
29 who has expertise in the areas assigned to the committee. All members
30 shall serve at the pleasure of the Assembly.
- 31 D. *Reserved.*
- 32 E. Quorum of Committees. For the Committee of the Whole and the Finance
33 Committee, a majority of the membership shall constitute a quorum. For committees
34 with seven or eight members, four of the membership shall constitute a quorum, for
35 committees with five or six members, three of the membership shall constitute a
36 quorum. For committees with four or fewer members, two of the membership shall
37 constitute a quorum for the transaction of business.

F. Voting. The minimum vote required to take official action shall be the same as that constituting a quorum; provided, however, that in the case of a tie vote, the action fails.

G. Role of Board Liaison. Board liaisons shall be recommended by the board to the Assembly for approval. Any board liaison to an Assembly committee should sit with the committee at all times. A board liaison may have the right to participate in committee discussions at the pleasure of the chair of the Assembly committee except that Assembly members of the committee shall have priority in obtaining the floor. Only Assembly members on the committee may vote.

RULE 6. ASSEMBLY LIAISONS TO BOARDS AND COMMISSIONS.

A. Appointment of Liaisons. The Mayor shall nominate one member of the Assembly to serve as the liaison to each of the following City and Borough boards and commissions:

Planning Commission
Hospital Board
Docks and Harbors Board
Airport Board
School Board
Ski Area Board
Aquatics Board

The nominations shall be subject to ratification by the Assembly. Liaisons to other entities may be appointed from time to time.

B. Role of Assembly Liaison. Assembly liaisons serve as a link between the Assembly and the board or commission to establish and maintain communication between the bodies on issues, projects, and other matters of mutual concern and interest. Assembly liaisons ~~should are not required to~~ regularly attend appointed board or commission meetings, ~~but if they do, they~~ Assembly liaisons shall not have the power to vote on the board or commission, and are not to be counted in determining whether a quorum of the board or commission is present. An Assembly liaison may participate in board or commission discussions when invited by the board chair.

C. Other Meetings. The Assembly encourages its members to attend meetings of other boards, commissions, and citizen groups and inform the Assembly on the activities of those bodies and the issues before them, as appropriate.

RULE 7. DEBATE.

A. Speaking on the Question. A member or the Manager may speak more than once to the same question at the same stage of proceedings provided that priority of access to the floor shall be given to members who have not spoken on the question. Members shall endeavor to provide the body with relevant facts and arguments and shall strive to avoid redundancy.

B. Asking Questions. After obtaining recognition from the chair, a member may ask direct questions of another member of the Assembly or to a person appearing before the Assembly. The questions may not be argumentative.

C. Decorum. Members shall not question the motives, competency or integrity of any person except as necessary to decide an appeal, personnel evaluation, contract award, or other matter in which such issues are clearly relevant. The chair shall admonish any member violating this rule and if violations are severe or repeated, may without a vote declare a recess not to exceed ten minutes.

RULE 8. RULES OF PUBLIC PARTICIPATION.

When permitted by Rule 14, public participation during hearings on ordinances and matters other than appeals will be conducted according to the following rules, which will be posted in the Assembly Chambers:

A. The hearing will be conducted by the Mayor as chair.

B. The Mayor will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.

C. The Mayor may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Assembly to members of the public. The time limit may be extended by a majority of the Assembly. The time limit for individual speakers shall be uniform for all speakers, and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the Mayor may grant additional time to a person speaking on behalf of a group present in the chambers.

D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Manager's office more than three business days before a meeting and comprising ten pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Clerk at the meeting provided that the submission includes at least 15 copies.

E. The Mayor will set forth the item or subject to be discussed and will rule non germane comments out of order.

1 F. All speakers, public, and members of the Assembly will be recognized by the
2 chair by surname.

3 G. Members of the public will precede their remarks by stating their names
4 and, unless otherwise allowed by the Mayor, their place of residence.

5 H. Members of the Assembly will not direct questions to each other or to the
6 chair during public participation except as to the conduct of the hearing.

7 I. Members of the Assembly may direct questions to members of the public
8 only to obtain clarification of material presented. The questions may not be
9 argumentative, nor may they have the purpose or effect of unreasonably extending
10 any time limit applicable to public speakers.

11 J. The public may direct questions to the Assembly or the administration. The
12 questions may not be argumentative.

13 K. The public may direct questions to the chair only as it pertains to the
14 conduct of the hearing.

15 L. The Manager may participate in the same manner as the members of the
16 Assembly.

17 M. There shall be an opportunity for public participation on non-agenda items
18 at each regular meeting of the Assembly. Such public participation shall be limited
19 to no more than 20 minutes, with each speaker limited to a length of time set by the
20 Mayor not to exceed five minutes. Assemblymembers may ask questions of the
21 speaker, but shall not deliberate at that time on matters raised, or answer questions
22 directed to the members.

23
24 **RULE 9. MOTIONS.**

25 A. Seconds. Seconds to motions are not required.

26 B. Renewal of Defeated Motions. Defeated motions may be renewed only under
27 suspension of the rules.

28 C. Priority of Privileged Motions. Privileged motions shall have the following
29 priority:

- 30 1. Fix time to adjourn
- 31 2. Give notice of reconsideration
- 32 3. Adjourn
- 33 4. Recess
- 34 5. Question of privilege of the body
- 35 6. Question of personal privilege

RULE 10. CLERICAL ERRORS.

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or errors in spelling, may be corrected by the Attorney upon discovery of the error.

RULE 11. VOTE REQUIRED.

The affirmative vote of five members of the Assembly shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates
- B. Suspension of the rules
- C. Setting of or postponement of special orders
- D. Objection to consideration of question
- E. Motion for immediate vote (previous question)
- F. Rescind
- G. To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken

RULE 12. PARLIAMENTARIAN.

The Attorney shall act as the parliamentarian.

RULE 13. SESSIONS.

Each regular or special meeting of the Assembly constitutes a session for purposes of the rules.

RULE 14. PUBLIC PARTICIPATION CONFINED TO THAT AGENDA ITEM.

No person except a member or the Manager may participate in Assembly proceedings except as provided in the agenda item for public participation and except that the Attorney or Clerk may comment on professional or procedural aspects. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion. Public participation shall be permitted on all items on the agenda, except for meetings advertised as work sessions only, but shall not be permitted on items before the body for information or scheduling purposes except to the extent such public participation concerns scheduling only.

1 **RULE 15. RECONSIDERATION.**

2 A. What May Be Reconsidered. Main motions, amendments to main motions,
3 privileged motions involving substantive questions, and appeals are subject to
4 reconsideration. Procedural motions may not be reconsidered.

5 B. Who May Reconsider. Any member, whether or not that member voted on
6 the prevailing side, may give notice of or move for reconsideration.

7 C. Effect of Notice. The effect of giving notice of reconsideration is to suspend
8 all action on the subject of the notice until a motion for reconsideration is made and
9 acted upon or until the time within which the motion for reconsideration may be
10 made and acted upon has expired.

11 D. Time in Which Notice Must Be Taken Up. A notice of reconsideration
12 expires unless a motion for reconsideration is made and acted upon prior to
13 adjournment of the next regular meeting succeeding the meeting at which the action
14 to be reconsidered occurred.

15 E. Successive Reconsideration. There may be only one reconsideration even
16 though the action of the Assembly after reconsideration is opposite from the action of
17 the Assembly before reconsideration.

18 F. Precedence. A motion for reconsideration has precedence over every main
19 motion and may be taken up at any time during the meeting when there is no other
20 motion on the floor.

21 G. Effect. A motion for reconsideration completely cancels the previous vote
22 on the question to be reconsidered as though the previous vote had never been
23 taken.

24

25 **RULE 16. REMOTE PARTICIPATION.**

26 A. A member may participate remotely in an Assembly meeting, or an
27 Assembly Committee meeting, if the member declares that circumstances prevent
28 physical attendance at the meeting. If the Mayor chooses to participate remotely,
29 the Deputy Mayor shall preside.

30 B. No more than the first three members to contact the Clerk regarding
31 remote participation in a particular meeting may participate remotely at any one
32 meeting.

33 C. The member shall notify the Clerk and the presiding officer, if reasonably
34 practicable, at least four hours in advance of a meeting which the member proposes
35 to attend remotely by and shall provide the physical address of the location, the
36 telephone number, and any available facsimile, email, or other document
37 transmission service.

38 D. At the meeting, the Clerk shall establish the remote connection technology
39 when the call to order is imminent.

1 E. A member participating remotely shall be counted as present for purposes
2 of quorum, discussion, and voting.

3 F. The member participating remotely shall make every effort to participate in
4 the entire meeting and must have video turned on except during breaks. From time
5 to time during the meeting the presiding officer shall confirm the connection.

6 G. The member participating remotely may ask to be recognized by the
7 presiding officer to the same extent as any other member.

8 H. To the extent reasonably practicable, the Clerk shall provide backup
9 materials to members participating remotely.

10 I. If the remote technology connection cannot be made or is made then lost,
11 the meeting shall commence or continue as scheduled and the Clerk shall attempt to
12 establish or restore the connection, provided that if the member participating
13 remotely is necessary to achieve a quorum, the meeting shall be at ease, recess, or
14 adjourn as necessary until the remote connection is established or restored.

15 J. Meeting times shall be expressed in Alaska time regardless of the time at
16 the location of any member participating remotely.

17 K. Participation remotely shall be allowed for regular, special, and committee
18 meetings of the Assembly.

19 L. Remarks by members participating remotely shall be transmitted so as to
20 be audible by all members and the public in attendance at the meeting, provided
21 that in executive session the remarks shall be audible only to those included in the
22 executive session.

23 M. Any member of the public present with the member participating remotely
24 shall be allowed to speak to the same extent the person was physically present at
25 the meeting.

26 N. As used in these rules, "remote" means any system for synchronous two-
27 way voice communication (i.e. telephone) or video conferencing technology. If a
28 member needs to participate remotely, video conferencing technology is preferred.
29 "Mayor" includes the Acting Mayor or any other member serving as chair of the
30 meeting.

31 O. Regular and special meetings of the following entities must be recorded and
32 live broadcast in a manner that is reasonably calculated to provide meaningful
33 remote public observance and participation, when allowed, of the public meeting:

- 34 i. Assembly
- 35 ii. Assembly Standing Committees
- 36 iii. Planning Commission
- 37 iv. Hospital Board
- 38 v. Docks and Harbors Board
- 39 vi. Airport Board
- 40 vii. Ski Area Board

1 viii. Systemic Racism Review Committee

2 Any other board, commission, or committee meeting with anticipated substantial
3 public interest should be recorded and live broadcast in a manner that is reasonably
4 calculated to provide meaningful remote public observance and participation, when
5 allowed, of the public meeting.

7 RULE 17. ADOPTION OF ROBERT'S RULES OF ORDER.

8 The conduct of the meetings of Assembly shall be governed by the Mayor
9 according to Robert's Rules of Order, 11th Edition, except as otherwise provided by
10 Charter, law, or these rules.

11 **Section 2. Repeal of Resolution.** Resolution No. 2947 is repealed.

12 **Section 3. Effective Date.** This resolution shall be effective immediately
13 after its adoption.

14 Adopted this ____ day of _____, 2021.

15

16

17

18 Attest:

19

20

21

22

23

24

24

25

26

20
21

27

28

20

29

30

31

51
22

32

33

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager

Presented: 06/14/2021

Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2957

A Second Resolution Authorizing the Manager to Enter into Port Agreements with Cruise Line Corporations for the Purpose of Satisfying Requirements of the Centers of Disease Control and Prevention to Allow Cruise Ships to Visit the Port of Juneau in Calendar Year 2021.

WHEREAS, the U.S. Department of Health and Human Services and Centers for Disease Control and Prevention (CDC) issued the “Framework for Conditional Sailing and Initial Phase COVID-19 Testing Requirements for Protection of Crew” (“Conditional Sailing Order”) on October 30, 2020, as a framework for a phased resumption of cruise ship operations; and

WHEREAS, on April 2, 2021, the CDC issued further “Technical Instructions for a Cruise Ship Operator’s Agreement with Port and Local Health Authorities under CDC’s Framework for Conditional Sailing Order” and a “Checklist for Port and Local Health Authorities: Cruise Ship Operator Agreements under CDC’s Framework for Conditional Sailing Order”; and

WHEREAS, the CDC’s framework was further supplemented by the CDC’s April 28, 2021 letter allowing cruise ship operators to submit an attestation to CDC under 42 U.S.C. § 1001 that a specified percentage of crew and passengers are fully vaccinated and submit to CDC a clear and specific vaccination plan, thereby enabling cruise ship operators to resume restricted passenger voyages without conducting simulated passenger voyages; and

WHEREAS, the CDC’s framework was further supplemented on May 12, 2021, by the CDC authorizing cruise ship operators, at their discretion, to advise passengers and crew that—if they are fully vaccinated—they may engage in self-guided or independent exploration during port stops if they wear a mask while indoors; and

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Port Agreement Authorization. The Manager is authorized to enter into individual or multi-port agreements provided that the following conditions are met:

- A. Cruise Ship Operators agree to provide ship schedules to the Manager for approval.
- B. Cruise Ship Operators (CSOs) either
 - 1. Must agree to the CDC's requirements for a vaccinated sailing (currently at 95% of crew and passengers) for any ship that has a scheduled stop in the Port of Juneau; or
 - 2. In lieu of the 95% vaccination standard and for the purposes of allowing more children under the age of 12 on ships that traditionally cater to families, CSOs must agree to obtain CDC approval for a sailing, which includes a simulated voyage, provided that all the following are satisfied:
 - a. All adult passengers are vaccinated
 - b. All crew members are vaccinated
 - c. Minors are no more than 5% of the passenger capacity of the ship.
- C. Other conditions that are necessary for the protection of the public health of Juneau's citizens and visitors as determined by the CBJ Assembly or the CBJ Emergency Operations Center.

Section 2. Repeal of Resolution 2955. Resolution 2955 is repealed.

Section 3. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of June, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 06/14/2021
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2958

A Resolution of the City and Borough of Juneau in Support of the U.S. Department of Transportation and the Rebuilding American Infrastructure with Sustainably and Equity (RAISE) Grant Program.

WHEREAS, the U.S. Department of Transportation administers the Rebuilding American Infrastructure with Sustainably and Equity (RAISE) Grant Program under the Consolidated Appropriations Act 2021 by reviewing, scoring, and ranking applicants seeking limited federal funds; and

WHEREAS, Juneau led the world with the first electrified cruise ship berth in 2001 providing renewable hydroelectricity that utilized excess power reserves to reduce ship emissions and to lower the local residents power rates; and

WHEREAS, Juneau continues to wisely use new technologies to see power consumption reductions that have allowed the existing generation system to absorb new loads from electrical cars and electrical buses without new generation infrastructure; and

WHEREAS, the CBJ Climate Action Plan recommends mandating new commercial docks to provide electric plug-ins for cruise ships and other commercial vessels, and require that ships use electric shore power whenever it is available; and

WHEREAS, CBJ consistently receives public comment concerning emissions caused by cruise ships, and hydropower provides energy while limiting greenhouse gas emissions; and

WHEREAS, the Visitor Industry Task Force recommended that CBJ prioritize electrification of all cruise ship docks; and

WHEREAS, CBJ lost marine passenger fee funds that typically are used for public infrastructure projects as a result of tax revenue loss due to the Covid-19 pandemic; and

WHEREAS, the cruise ship fleets continue to retrofit or build shore tie power connection systems to reduce emissions and reduce operating costs; and

WHEREAS, CBJ Docks and Harbors is committed to designing, constructing, and maintaining infrastructure under its charge in a sustainable and efficient manner commensurate with available resources; and

WHEREAS, due to fiscal limitations with new capital projects for the municipally owned cruise ship berths were not initially equipped with shore tie power infrastructure; and

WHEREAS, the addition of shore power connections to the municipally owned cruise ship berths will drastically reduce vessel emissions and visible particulates in Juneau; and

WHEREAS, CBJ Docks and Harbors intends to submit an application under the Rebuilding American Infrastructure with Sustainably and Equity (RAISE) Grant Program to design, purchase, install, and maintain shore tie power connections to both municipally owned cruise ship berths.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Cruise Ship Dock Electrification. The Assembly of the City and Borough of Juneau strongly supports the design, purchase, install, and maintenance of shore tie power connections to both municipally owned cruise ship berths, and requests the U.S. Department of Transportation provide full funding for this project.

Section 2. Local Match. The Assembly of the City and Borough of Juneau supports providing a local match as required by the grant agency.

Section 3. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt
City and Borough Manager

FROM: Greg Smith
Contract Administrator

SUBJ: BID RESULTS:
Capital Transit Valley Transfer Station
CBJ Contract No. BE20-268

DATE: June 9, 2021

FILE: 1874

Bids were opened on the subject project on June 9, 2021. The bid protest period expire at 4:30 p.m. on June 10, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Admiralty Construction, Inc	\$1,948,216
Island Contractors,	\$2,051,077
Glacier State Contractors	\$2,444,006
Architect's or Engineer's Estimate	\$1,747,000

Project Manager: Alec Venechuk, P.E.

Project Description The WORK covered in the Contract Documents generally includes: Construction of a new bus transfer station with a driver breakroom building, rider shelters, a multiuse path and a parking lot. WORK will include new water and sewer services to the breakroom, a new storm drain system, earthwork, concrete flatwork and asphalt paving. WORK will also include coordination with the local utilities to relocate the existing overhead utilities underground.

Funding Source: Federal Transit Authority Grant: \$3,100,000; Area Wide Sales Tax - \$1,302,094.

Total Project Funds: \$4,501,819

CIP No. D71-089

Construction Encumbrance: \$1,948,216

Construction Contingency: \$195,000

Design: \$285,180

Contract Administration/Inspection: \$156,00

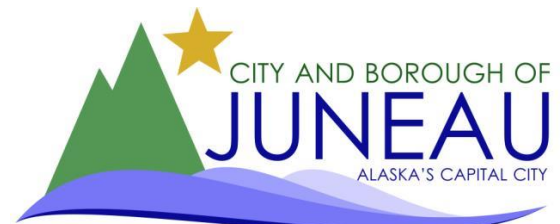
CBJ Administrative costs: \$58,500

Pending the outcome of the protest period, staff recommends award of this project to Admiralty Construction Inc for the total amount bid of \$1,948,216.

Approved: _____
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval: _____

c: CBJ Purchasing



MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt
City and Borough Manager

DATE: June 10, 2021

FROM: Greg Smith
Contract Administrator

FILE: 2110

SUBJ: BID RESULTS:
Bartlett Regional Hospital Site Improvements
CBJ Contract No. BE21-164

Bids were opened on the subject project on June 10, 2021. The bid protest period will expire at 4:30 p.m. on June 11, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Admiralty Construction, Inc	\$1,917,146
Architect's or Engineer's Estimate	\$1,700,000

Project Manager: John Nelson

Project Description: The WORK generally includes reconstruction of Hospital Drive from the Johnson Youth Center at 3252 Hospital Drive to the registration entrance, reconstruction of Hospital Access Road from Hospital Drive to Salmon Creek Lane, and reconstruction of the back parking lot past the emergency room entrance. WORK also includes continuing addition of new water main on Hospital Drive from the Johnson Youth Center to the entrance to the registration entrance.

Funding Source: BRH Fund - \$2,275,000, Sales Tax Areawide - \$1,500,000, Water / Wastewater Fund - \$285,000

Total Project Funds: \$4,060,000

CIP No. R72-141

Construction Encumbrance: \$1,917,146

Construction Contingency: \$190,146

Design: \$114,000

Contract Administration/Inspection: \$142,000

CBJ Administrative costs: \$56,000

Pending the outcome of the protest period, staff recommends award of this project to Admiralty Construction, Inc for the total amount bid of \$1,917,146.

Approved: _____
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval: _____

c: CBJ Purchasing



Presented by: HRC
Presented: 06/02/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-23

**An Ordinance Amending the Elections Code for City and Borough of
Juneau Municipal Elections.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 29.07.100 Absentee voting procedure, is amended as follows:

29.07.100 Absentee voting procedure.

(a) The election official shall provide ballots for use as absentee ballots at least 15 days prior to the election. The election official shall issue rules and instructions to absentee voters to aid them in casting their ballots. The election official shall prescribe the form of and prepare the voter's certificate, envelopes, and other materials used in absentee voting. The election official shall enclose a privacy envelope and a return envelope to each absentee voter. The return envelope shall have printed upon it a certification by which the voter shall place the voter's signature declaring that the voter is a qualified voter, that the voter has not voted in any other manner in this election, and a space for the voter to include at least one personal identifier. The return envelope shall include a place for recording the date the envelope was sealed and be manufactured in such a way that the voter's signature and personal identifiers are concealed

once the voter has signed and sealed the envelope. ~~The voter's certificate shall include an oath, that the voter is a qualified voter, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and gave the voter's identity, blanks for the attesting official or witness, and a place for recording the date the envelope was sealed and witnessed.~~

(b) The application for an absentee ballot shall show the applicant's place of residence, clearly indicate the applicant's right to an absentee ballot, and be signed by the applicant.

(1) ~~Absentee application for voting Application~~ by mail. Beginning on January 1 of each election year, a qualified voter may in person, ~~or~~ by mail, ~~or~~ by facsimile machine, **or by electronic transmission**, file a written application for an absentee ballot by mail with the election official. A complete application for a by mail ballot must be received in the office of the election official not less than seven days before the election for which the absentee ballot is sought in order for the absentee ballot to be counted. If a voter fails to provide a specific ballot mailing address on an absentee by mail ballot application, the ballot will be mailed to the mailing address on the voter's record, or, if no address is provided, to the fax, e-mail, or other electronic transmission acceptable to the election official.

(2) ~~Absentee application for voting Application~~ by fax **or electronic transmission**. A qualified voter who has submitted an application for an absentee ballot may vote by fax **or electronic transmission** beginning the day the ballots are available from the election official and through the close of the polls on election day. The voter must submit a written and complete application for a fax **or electronic transmission** ballot to the election official's office no later than 5:00 p.m. the day before election day in order for the

absentee ballot to be counted. An absentee ballot that is completed and returned by the voter by fax or electronic transmission must contain the following statement: "I understand that by using fax or electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible."

(3) *Absentee voting in person.* A qualified voter may vote absentee in person on or after the day the ballots are available from the election official up to and including the election day, in a location and at places and times determined by the election official.

(4) *Early voting.* A qualified voter may vote early, as soon as the ballots are available from the election official up to and including election day, in a location and at places and times determined by the election official.

(5) *Absentee voting by personal representative.* A qualified voter who is unable to go to the polling place or vote center on election day due to age, illness or disability, may appoint a personal representative to obtain a ballot for the voter on or after the 15th day before an election, up to and including election day.

Section 3. Amendment of Section. CBJ 29.07.280 Review of election returns, is amended as follows:

29.07.280 Review of election returns.

(a) Beginning on the first Friday after each election, absentee ~~or by mail~~ ballots not previously counted and questioned ballots, which the ballot review board and election official determines should be counted, shall be counted. For by-mail elections, the election official will continue to process ballots until the review of the election returns by

the canvass review board. The election official and such assistants as may be appointed by the election official shall count such ballots in accordance with the voting systems determined for use in an election.

...

Section 4. Amendment of Section. CBJ 29.07.350 Definitions, is amended to include the following definition as follows:

29.07.350 Definitions.

...

Personal Identifiers as used in this chapter, shall include the following: voter registration identification number, the last four digits of the voter's social security number, the voter's date of birth, or the voter's Alaska driver's license number.

...

Section 5. Amendment of Section. CBJ 29.07.360 Elections by mail, is amended as follows:

29.07.360 Elections by mail.

...

(d) The election official shall enclose a privacy envelope and a return envelope to each by-mail voter. The return envelope shall have printed upon it ~~an affidavit~~ **a certification** by which the voter shall declare the voter's ~~his or her~~ qualifications to vote, ~~followed by provision for attestation by a person qualified to administer oaths or one attesting witness who is at least 18 years of age that~~ the voter ~~he or she~~ has not voted in any other manner in this

election, and a space for the voter to include at least one personal identifier. The return envelope shall include a place for recording the date the envelope was sealed and shall conceal the voter's signature and personal identifier once the voter has signed and sealed the envelope. Specific instructions for voting a by-mail ballot and a list of the vote center(s) and hours shall be included with the ballot.

...

Section 6. Amendment of Section. CBJ 29.07.370 Alteration of election procedures for elections by mail, is amended as follows:

29.07.370 Alteration of election procedures for elections by mail.

...

(e) *Ballot review procedure.* The ballot review board shall examine each ballot envelope and shall determine whether the voter is a qualified voter as required under CBJ Charter Section 6.3 and whether the ballot has been properly cast under election policies established for the review and counting of by-mail ballots. The ballot review board may begin reviewing and processing by-mail ballots prior to election day as part of the election review process to prepare them for counting. The counting of ballots will not begin until after 8:00 p.m. on election day. The following standards shall guide the election policies:

(1) A by-mail ballot shall not be counted if:

- (i) The voter failed to properly execute the certification on the envelope with a valid signature and personal identifier or the voter's signature and personal identifier cannot be validated in accordance with the process set out in section (3) below; or

- (ii) ~~Reserved. The witness authorized by law to attest the voter's certificate failed to properly execute the witness certificate on the envelope, except that a ballot cast in person and accepted by an election official may be counted despite failure of the election official to properly sign and date the witness' declaration; or~~
- (iii) The ballot return envelope, if mailed, is received after election day, has no postmark, and USPS cannot verify the ballot return envelope was mailed on or before election day; or
- (iv) The ballot return envelope is not received before the beginning of the canvass review board review process; or
- (v) The voter has already voted in the election.

(2) A by-mail ballot shall be counted if:

- (i) The voter properly executed the certification on the envelope with a valid signature **and personal identifier** as verified in accordance with the process set out in section (3) below; and
- (ii) ~~Reserved. The witness authorized by law to attest the voter's certificate properly executed the witness certificate on the envelope;~~ and
- (iii) The ballot return envelope was received at a voter center or deposited in a ballot drop box no later than 8:00 p.m. on election day; or
- (iv) The ballot return envelope, if mailed, was postmarked or the USPS can verify that the ballot return envelope was mailed on or before election day; and

- (v) The ballot return envelope was received before the beginning of the canvass review board review process;

(3) Signature verification process:

- (i) The voter's signature **and personal identifier** on the ballot certification must be compared with the signature(s) **and personal identifiers** in the voter's voter registration file(s) using the standards established in the election policies developed under CBJ 29.07.350.

...

Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: Manager
Presented: 05/24/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-22

An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

WHEREAS, on March 22, 2020, the City and Borough of Juneau (“CBJ”) received its first positive case of COVID-19; and

WHEREAS, the Juneau International Airport and the Juneau ferry terminal are the primary point-of-entries for persons traveling into Juneau; and

WHEREAS, on February 14, 2021, the State of Alaska identified that non-residents traveling into the State no longer had to pay the \$250 for a COVID-19 test upon arrival and fully vaccinated people did not have to follow strict social distancing requirements while awaiting test results; and

WHEREAS, while more community members are getting vaccinated for COVID, the community has not reached herd immunity, children are not eligible for vaccines, a variants of concern (B.1.1.7, P1) have recently been detected in Juneau; and

WHEREAS, Alaska continues to experience COVID-19 outbreaks and multiple regions in Alaska are at moderate or high alert levels; and

WHEREAS, as of May 19, 2021, there have been more than 1,486 confirmed cases in the City and Borough of Juneau, of which a substantial percentage are travel related or attributable to community spread; and

WHEREAS, the current COVID-19 Mitigation Strategies were reestablished with Emergency Ordinance 2021-11 (April 26, 2021); and

WHEREAS, the Centers for Disease Control and Prevention (CDC) recently revised its guidance for fully vaccinated people; and

WHEREAS, any business or facility is free to require masks at their business or facility; and

WHEREAS, the updated COVID-19 Mitigation Strategies will help provide better structure and certainty as the community balances the needs to mitigate harm from COVID-19 and keep the economy open.

THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. COVID-19 Mitigation Strategies.

(a) **Adoption.** The City and Borough of Juneau COVID-19 Mitigation Strategies identified in Exhibit A are adopted.

(b) **Determination of Incident Risk Level.** The Manager is authorized to determine which Incident Risk Level best fits the City and Borough of Juneau based on a comprehensive range of public health factors related to COVID-19.

(c) **Public Notice.** The Manager shall conspicuously identify the Incident Risk Level on the City and Borough of Juneau's webpage and widely distribute public notice when the level changes.

(d) **Exemptions.**

(1) **Exemption Request.** An entity or person may request an exemption from the COVID-19 Mitigation Strategies by submitting a site specific COVID-19 Mitigation Plan to the CBJ Emergency Operations Center by emailing covidquestions@juneau.org. The Emergency Operations Center may issue an exemption if the COVID-19 Mitigation Plan has sufficient measures and policies to mitigate the spread of COVID-19 in light of the Incident Risk Level.

(2) **Public Records.** All exemption requests, communication, and responses are presumptively public records. If an entity or person requests that the City and Borough of Juneau withhold any information contained in your COVID-19 Mitigation Plan from public release because the information is protected under AS 40.25.120(a), you must submit the following information with the request:

- (A) Identify each set of discrete information that the entity or person asserts is confidential;
- (B) Identify each specific legal authority that the entity or person asserts applies to each such set of information; and
- (C) For each such set of information, explain why the entity or person asserts the information is confidential based on each legal authority the entity or person asserts applies to that information.

Should the City and Borough of Juneau receive a request for records under the Public Records Act applicable to any item marked confidential, the City and Borough of Juneau should notify the person or entity asserting confidentiality as soon as practicable prior to making any disclosure. The person or entity asserting confidentiality acknowledges it has five (5) calendar days after receipt of notice to notify the City and Borough of Juneau of its objection to any disclosure, and to file any action with any competent court to protect its interests. Should the person or entity asserting confidentiality fail to notify the City and Borough of Juneau of its objection or fail to file suit within five (5) calendar days, the CBJ may disclose the records.

(e) **Violation.** A person who violates a mitigation strategy in Exhibit A shall be subject to a civil fine not to exceed \$25.00 per violation, which shall be considered incorporated into CBJC 03.30.070(a); payment of the civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to CBJC 03.30.070(b)-(c) and CBJC 03.30.075-03.30.085. In addition to a civil fine, the City and Borough of Juneau may use all available civil enforcement options (i.e. injunction, revocation of certificate of occupancy, civil lawsuit, etc.) to assure compliance with this ordinance.

(f) **Amendments.** The Manager shall keep Exhibit A consistent with Centers for Disease Control and Prevention (CDC) guidance and present the revisions to Exhibit A at regular or special Assembly meetings for ratification.

(g) **Mask or Face Covering Mandate.**

(1) **Requirement.** All individuals must wear a mask or a face covering over their nose and mouth (i) as provided for in Exhibit A; (ii) when using public transportation, like Capital Transit; and (iii) when entering an area that is posted requiring use of a mask or face covering. This ordinance is subject to the conditions and exceptions stated below.

(2) **Face Shield.** A face shield is generally not permitted in lieu of a mask or face covering because face shields are less effective in stopping the spread of COVID-19. However, a face shield may be permitted in lieu of a mask or face covering for the following individuals, who must wear a face shield whenever a mask or face covering would be required unless it is impossible to do so:

(A) Any individual who cannot tolerate a mask due to a physical or mental disability;

(B) Individuals who are communicating with someone who is deaf or hard of hearing; or

(C) Individuals performing an activity that cannot be conducted or safely conducted while wearing a mask (for example a driver experiencing foggy glasses, a dental patient receiving care, or an equipment operator where there is a risk of dangerous entanglement).

- 1 (3) **Employment.** Employers are responsible to make sure employees who are present in
2 the workplace have access to and wear masks or face coverings as required by this
3 ordinance.
- 4 (4) **Exceptions.** This ordinance does not apply to the following categories of people or
5 activities:
 - 6 (A) Any child under the age of 2 years. These very young children should not wear
7 a face covering because of the risk of suffocation. Additionally, masks are
8 recommended, but not required for children ages 2-5. Daycare settings that
9 serve preschool children are encouraged but not required to enforce mask usage
10 for children age 2 and older.
 - 11 (B) Individuals who are incarcerated, in police custody, or inside a courtroom; these
12 individuals should follow guidance particular to their location or institution.
 - 13 (C) Musicians, presenters, ministers, and others communicating to an audience or
14 being recorded, for the duration of their presentation/practice/performance
15 where mask usage impairs communication, and so long as safe physical
16 distancing is maintained.
 - 17 (D) Individuals removing their mask or face covering to eat, drink, or briefly
18 scratch an itch.
 - 19 (E) Employees within their own fully enclosed office or workspace, and employees
20 within an unenclosed workspace if they are totally alone.
 - 21 (F) Individuals doing high intensity exercise outdoors.
- 22 (5) **Denial of Service.** A person violating this ordinance is prohibited from entering,
23 occupying, or remaining in the setting in which a mask or face covering is required.
24 Provided, however, that this ordinance shall be applied in a manner consistent with the
25 Americans with Disabilities Act (ADA) and any other applicable provision of law.
Businesses and the City Manager, for City and Borough of Juneau facilities, may
choose to allow individuals who request an accommodation under the ADA to wear a
face shield, or may consider accommodating these individuals through alternative
means of providing goods or services, such as curbside, delivery, or telephonic service.
- (6) **Proof of Medical Reason or Disability.** If a person declines to wear a mask or face
covering because of a medical condition or disability as described above, this ordinance
does not require them to produce medical documentation verifying the stated condition
or disability.

(7) Additional City and Borough of Juneau Facility Provision.

- (A) **Notice.** The City Manager is required to identify and conspicuously post notices for those City and Borough of Juneau public facilities or areas of public facilities in which people are required to wear a mask or face covering. The Manager should post face covering notices in public facilities and areas of public facilities in which maintaining six feet separation between people is difficult or where there are insufficient physical barriers to keep people six feet apart.
- (B) **Provision of Face Covering.** For people who cannot afford or locate a face covering, the Manager shall make a face covering available on every Capital Transit bus and at any facility owned by the City and Borough of Juneau that requires a mask or face covering.

(8) Definitions.

- (A) "Mask" means a medical grade mask (i.e. N95).
- (B) "Face covering" means a cloth, polypropylene, paper, or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face. The following are not face coverings because they allow droplets to be released: a covering with a valve designed to facilitate easy exhalation; mesh masks; lace masks; other coverings with openings, holes, or visible gaps in the design or material.
- (C) "Face shield" means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.

Section 3. Repeal of Emergency Ordinance 2021-11. Emergency Ordinance 2021-11 is repealed.

Section 4. Effective Date. This ordinance shall be effective 30 days after adoption. This ordinance expires at 12:01 a.m. on July 31, 2021, unless terminated earlier by the Assembly by motion.

Adopted this ____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Ord. 2021-22 Exhibit A

Community Risk Level	Masks / Social Distancing	Large Gatherings	Restaurants, Bars	Personal Services, Gyms	Travel
Minimal: 1c - >70% of total population fully vaccinated	If not fully vaccinated, masks/face coverings must be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	No size limitations; however, masks must be worn indoors by individuals who are not fully vaccinated.	R: If not fully vaccinated, patrons must wear masks when not actively eating or drinking. B: No restrictions.	If not fully vaccinated, masks/face coverings must be worn indoors in public areas.	Follow State Health Advisories.
Minimal: 1b - 50 - 69.9% of total population fully vaccinated -	If not fully vaccinated, masks/face coverings must be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	Indoor gatherings should be limited to the number of participants that will allow 6 ft of social distancing to be maintained if individuals who are not fully vaccinated are present. Masks must be worn indoors by individuals who are not fully vaccinated.	If not fully vaccinated, patrons must wear masks when not actively eating or drinking. Recommend capacity restrictions that allow 6 ft of social distancing between parties.	If not fully vaccinated, masks/face coverings must be worn indoors in public areas. Recommend capacity restrictions that allow 6 ft of social distancing between individuals.	Follow State Health Advisories.
Moderate	If not fully vaccinated, masks/face coverings must be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	Indoor gatherings should be limited to 50* people with safety measures (masks required). Outdoor gatherings are recommended. There are no limits or required safety measures if all individuals at the gathering are fully vaccinated.	If not fully vaccinated, patrons must wear masks when not actively eating or drinking. Bars not to exceed 50% indoor capacity. Strongly recommend restaurants reduce capacity to ensure physical distancing between parties, recommend reservations required. Recommend delivery/ curbside pick up if allowed by law.	Personal Services by appointment only, no waiting areas. Gyms, small group activities outdoors, limit capacity to 50%.	Follow State Health Advisories.
High	Masks/Face coverings must be worn indoors and outdoors in public areas where 6ft of social distancing cannot be maintained. Keep social bubble contained to family members.	Indoor gatherings should be limited to 20* people with safety measures (masks required). Outdoor gatherings with 6ft distancing recommended.	Bars and Restaurants reduce capacity to ensure at least 6 feet of physical distancing between parties and not to exceed 50% with reservations / contact list required. Delivery/curbside pickup if allowed by law. Bars and restaurants closed at 11:00 pm.	Personal Services by appointment only, one customer per service provider, no waiting areas. Gyms, no group activities, limit capacity to 25%	Follow State Health Advisories
Very High	Masks/Face coverings required outside the home. Residents are required to stay at home except as needed for groceries, medical care, and essential workforce needs.	Outdoor gatherings limited to no more than 10 people with proper social distancing. Indoor communal events not allowed.	Restaurants and bars limited to delivery and curbside pickup if allowed by law.	Personal Services and Gyms closed.	Follow State Health Advisories

Presented by: The Manager
Introduced: May 24, 2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-17

An Ordinance Providing for the Levy and Collection of a Temporary 3% Areawide Sales Tax on the Price of All Taxable Sales of Goods and Services Delivered within the City and Borough of Juneau, to be in Effect Five Years from July 1, 2022, through July 1, 2027; and Calling for an Election on Whether Such Sales Tax Shall Be Levied.

WHEREAS, the present 5% areawide sales tax rate in the City and Borough comprises a permanent 1% tax, a temporary 1% tax, and a temporary 3% tax; and

WHEREAS, the 3% temporary component of the sales tax expires on July 1, 2022, unless the voters approve extending the duration of the tax; and

WHEREAS, the 3% temporary sales tax provides a balance to municipal revenue sources between sales tax and property tax; and

WHEREAS, the Assembly has determined that an extension of the 3% temporary sales tax, to become effective on July 1, 2022, for a period of five years, is necessary to provide a stable revenue base for important municipal services and projects; and

WHEREAS, with the extension of the 3% temporary tax, the total sales tax rate in the City and Borough would remain unchanged at 5%.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. Section 2 of this ordinance, if approved by a majority of qualified voters voting on the question pursuant to Sections 3 and 4, shall be of a general and permanent nature and shall become a part of the City and Borough code, until it expires under its own terms. Sections 3 and 4 are noncode sections.

Section 2. Amendment of Section. CBJ 69.05.020 - Imposition of rate, is amended to read:

69.05.020 Imposition of rate.

...

(c) Subsection (a)(2) and this subsection (c) are automatically repealed on ~~July 1, 2022~~ July 1, 2027.

...

Section 3. Submission of Question to Voters.

(a) In accordance with Article IX, Section 9.17, of the Home Rule Charter of the City and Borough of Juneau, the question of whether or not a temporary 3% areawide sales tax shall be levied and collected effective July 1, 2022, for a period of five years only, shall be submitted to the qualified voters of the City and Borough at the regular municipal election to be held on October 5, 2021.

(b) The Municipal Clerk shall prepare the ballot proposition to be submitted to the qualified voters of the City and Borough for their consideration of the temporary 3% areawide sales tax set forth in this ordinance. The Municipal Clerk shall further perform all necessary steps in accordance with law to conduct the election and place the proposition before the qualified voters at the regular municipal election.

Section 4. Proposition. The proposition to be submitted to the qualified voters of the City and Borough as required by Section 3 above shall read substantially as follows:

Explanation

Juneau currently has a permanent 1% sales tax, a temporary 1% sales tax, and a temporary 3% sales tax. The temporary 1% sales tax is automatically repealed on September 30, 2023. The temporary 3% sales tax is automatically repealed on July 1, 2022. The total of all CBJ sales taxes is currently 5%.

This ballot proposition would continue the current 3% temporary sales tax rate for an additional five years, until June 30, 2027. Accordingly, if this proposition is approved, the total sales tax rate would remain at 5%. This proposition would also continue the Assembly's intended allocation of the temporary 3% sales tax revenues as follows:

**Current Temporary Sales Tax
(repealed July 1, 2022)**

**New Proposed Temporary Sales
Tax (July 1, 2022 to June 30, 2027)**

1% police, fire, street
maintenance, snow removal,
EMT/ambulance service,
parks and recreation,
libraries, and other general
purposes;

1% police, fire, street
maintenance, snow removal,
EMT/ambulance service,
parks and recreation,
libraries, and other general
purposes;

1% roads, drainage, retaining
walls, sidewalks, stairs, and
other capital improvements;
and

1% roads, drainage, retaining
walls, sidewalks, stairs, and
other capital improvements;
and

1% allocated annually by the
assembly for capital
improvements, general
government services
(including the Better
Capital City account and
youth activities) and Budget
Reserve.

1% allocated annually by the
assembly among capital
improvements, an
emergency budget reserve,
and other general public
services.

Total Temporary sales tax until
3% June 30, 2022

Total Proposed temporary sales
3% tax starting July 1, 2022,
and ending June 30, 2027

PROPOSITION NO. _____

Authorization to Renew a Temporary 3% Areawide Sales Tax Effective July 1, 2022,
Intended to Be Used for Certain Purposes as Set Forth Below.

Shall the City and Borough of Juneau, Alaska, levy and collect a temporary 3%
areawide sales tax on the price of all taxable sales of goods and delivered in the City
and Borough, effective July 1, 2022, for a period of five years only, in addition to the
1% permanent areawide sales tax and the 1% temporary areawide sales tax.

It is the intent of the Assembly to use the temporary 3% areawide sales tax as
follows:

1% police, fire, street maintenance, snow removal, EMT/ambulance service, parks and recreation, libraries, and other general purposes;

1% roads, drainage, retaining walls, sidewalks, stairs, and other capital improvement projects; and

1% allocated annually by the assembly among capital improvements, an emergency budget reserve, and other general public services.

Total 3% Temporary Sales Tax

Extend 3% sales tax five years YES []

Extend 3% sales tax five years NO []

Section 5. Effective Dates.

(a) The amendment of subsection (c) of CBJ 69.05.020 set forth in Section 2 of this ordinance shall become effective on July 1, 2022, if the proposition required by Sections 3 and 4 of this ordinance is approved by a majority of the qualified voters of the City and Borough voting on the proposition at the regular municipal election scheduled for October 5, 2021.

(b) Sections 3 and 4 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough, shall be effective 30 days after adoption of this ordinance.

Adopted this ____ day of _____, 2021.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: May 24, 2021
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-09(AX)

An Ordinance Deappropriating \$2,500,000 from the Manager as Funding for the Purchase of a Building at 3225 Hospital Drive, and Appropriating \$2,750,000 to the Manager as Funding for the Crisis Stabilization Capital Improvement Project; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Deappropriation. There is deappropriated from the Manager the sum of \$2,500,000 for the purchase of a building at 3225 Hospital Drive.

Section 3. Appropriation. There is appropriated to the Manager the sum of \$2,750,000 as funding for the Crisis Stabilization Capital Improvement Project (B55-080).

Section 4. Source of Funds

Bartlett Regional Hospital Fund's Fund Balance	(\$2,500,000)
Bartlett Regional Hospital Fund's Fund Balance	\$2,750,000

Section 5. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: May 24, 2021
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-09(AY)

An Ordinance Transferring \$550,000 from CIP H51-116 Marine Park to Taku Improvements/Archipelago to CIP H51-120 Seawalk Major Maintenance and CIP R72-144 South Franklin Sidewalk Safety and Capacity Improvements.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Transfer of Appropriation. It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$550,000 be transferred:

From: CIP

H51-116 Marine Park to Taku Improv/Archipelago (\$550,000)

To: CIP

R72-144	S. Franklin Sidewalk Safety and Capacity Improvement	\$500,000
H51-120	Seawalk Major Maintenance	\$ 50,000

Section 3. Source of Funds.

State Marine Passenger Fees	\$550,000
-----------------------------	-----------

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: May 24, 2021
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-09(AZ)

An Ordinance Transferring \$500,000 from CIP P47-073 Centennial Hall Renovation Phase 2 to CIP F21-041 Downtown/Glacier Fire Stations Mechanical and Electrical Upgrades.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Transfer of Appropriation. It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$500,000 be transferred:

From: CIP

P47-073	Centennial Hall Renovation Phase 2	(\$500,000)
---------	------------------------------------	-------------

To: CIP

F21-041	Downtown/Glacier Fire Stations Mechanical and Electrical Upgrades	\$500,000
---------	--	-----------

Section 3. Source of Funds.

General Sales Tax	\$250,000
Temporary 1% Sales Tax	\$250,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: AFC
Presented: 05/24/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-20(b)

An Ordinance Amending the Compensation for Assemblymembers, the Mayor, and Certain Boards.

WHEREAS, CBJ Charter 3.10 provides that the Assembly by ordinance shall provide for compensation of the Mayor and other Assemblymembers, and provides further that an increase in compensation shall not take effect no earlier than the assembly meeting following the regular election after the ordinance has been adopted; and

WHEREAS, the compensation currently provided for the Mayor and Assemblymembers has not been adjusted since 1994; and

WHEREAS, Resolution 1974 (1998) established an honorarium of \$150.00 per month for Planning Commissioners; and

WHEREAS, the compensation or honorarium currently provided is inadequate and deters some community members from running for elected office and certain CBJ boards like the Planning Commission and Hospital Board of Directors.

THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code except Section 5 is a non-code provision.

Section 2. Amendment of Section. CBJ 11.15.050 Compensation amount, is amended to read:

11.15.050 Compensation; amount.

- (a) The mayor shall be compensated at the rate of \$3,500.00 ~~2,500.00~~ per month.
- (b) All other assemblymembers shall be compensated at the rate of \$750.00 ~~500.00~~ per month.
- (c) Per diem payments, reimbursements for expenses, and election of health insurance are not compensation under this section.

Section 3. Amendment of Chapter. Chapter 11.15 Organization, is amended by adding a new section to read:

11.15.060 Compensation periodic review.

- (a) Periodic review. The Assembly, or a compensation commission appointed by the Assembly, should review the compensation for elected and Assembly-appointed board members every five years.
- (b) Standards for review. The periodic compensation review should be based upon inflation or cost of living indexes, like the Anchorage CPI or percent changes of unrepresented municipal employee salaries.
- (c) Compensation commission prohibitions. A member of a compensation commission appointed by the Assembly may neither be employed by the municipality during the term for which they are appointed nor hold elective municipal office during their term or within one year thereafter.

Section 4. Amendment of Article. Article I of Chapter 49.10 Administration and Compliance, is amended by adding a new section to read:

49.10.180. Compensation.

A planning commissioner shall be compensated at the rate of \$225.00 per month.

Section 5. Repeal of Resolution. Resolution 1974, A Resolution Establishing the Honorarium to be Granted to Members of the Planning Commission, is repealed.

Section 6. Amendment of Chapter. Chapter 40.05 City and Borough Hospital—Board of Directors, is amended by adding a new section to read:

40.05.080. Compensation.

A member of the hospital board of directors shall be compensated at the rate of \$225.00 per month.

Section 7. Effective Date. This ordinance shall be effective on January 1, 2022.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: April 5, 2021
Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2021-10(b)

**An Ordinance Establishing the Rate of Levy for Property Taxes
for Calendar Year 2021 Based Upon the Proposed Budget for Fiscal Year 2022.**

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Rates of Levy. The following are the rates of levy on taxable property within the City and Borough of Juneau for the Calendar Year beginning January 1, 2021, based upon the proposed budget for Fiscal Year 2022 beginning July 1, 2021.

<u>Operation Mill Rate by Service Area</u>	<u>Millage</u>
Roaded Service Area	2.45
Fire Service Area	0.31
Areawide	6.70
<u>Operating Total</u>	<u>9.46</u>
<u>Debt Service</u>	<u>1.20</u>
<u>Total</u>	<u>10.66</u>

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
 Introduced: April 5, 2021
 Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2021-08(b)

**An Ordinance Appropriating Funds from the Treasury
 for FY22 City and Borough Operations**

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Estimated Funding Sources. The following amounts are the estimated funding sources for the City and Borough of Juneau, excluding the Juneau School District, for the fiscal year beginning July 1, 2021, and ending June 30, 2022. It is anticipated that these estimated funding sources will meet the appropriations set forth in Section 3 of this ordinance.

ESTIMATED REVENUE:

State Support	\$ 17,009,900
Federal Support	17,181,600
Taxes	107,173,600
Charges for Services	155,188,600
Licenses, Permits, Fees	3,869,000
Fines and Forfeitures	308,600
Rentals and Leases	3,093,900
Investment & Interest Income	4,853,400
Sales	582,800
Other Revenue	2,473,400
Total Estimated Revenue	<u>311,734,800</u>

General Governmental Fund Balance Increase	(3,300)
All Other Funds Fund Balance Decrease	20,822,800
Support From Other Funds	<u>88,356,200</u>
Total Estimated Funding Sources	<u>420,910,500</u>

Section 3. Appropriation. The following amounts are hereby appropriated for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

General Governmental Funds:

Mayor and Assembly	\$ 5,196,500
City Manager	3,016,500
City Clerk	526,500
Human Resources	713,600
Management Information Systems	3,032,500
Capital City Fire	5,367,900
Capital City Rescue	6,458,000
Capital Transit	7,133,800
Community Development	3,113,600
General Engineering	295,100
Finance	6,013,100
Law	2,152,900
Libraries	3,731,300
RecycleWorks	1,920,100
Parks and Recreation:	
Parks and Landscape	2,772,500
Recreation	6,891,500
Visitor Services	589,800
Police	18,443,400
Streets	5,912,700
Support To Other Funds:	
School District	29,336,100
Debt Service	2,546,600
All Other Funds	975,000
Interdepartmental Charges	(4,113,200)
Capital Projects Indirect Cost Allocation	(524,300)
Total	111,501,500

Special Revenue Funds:

Sales Tax	628,300
Hotel Tax	29,200
Tobacco Excise Tax	58,500
Affordable Housing	837,300
Downtown Parking	672,500
Eaglecrest	2,908,900
Lands	988,800
Library Minor Contributions	38,700
Marine Passenger Fee	7,500
Port Development	7,600
Pandemic Response	686,600
Support To Other Funds	69,763,500
Total	76,627,400

Debt Service Funds	\$ 15,032,000
Special Assessment Funds:	
Special Assessment	399,200
Support To Other Funds	13,200
Total	412,400
Jensen-Olson Arboretum	100,500
Enterprise:	
Juneau International Airport	10,663,900
Bartlett Regional Hospital	125,578,400
Boat Harbors	4,262,600
Docks	1,401,000
Water	3,846,800
Wastewater	12,043,300
Waste Management	-
Support To Other Funds	14,957,400
Interdepartmental Charges	(15,100)
Total	172,738,300
Internal Service Funds:	
Equipment Acquisition	11,639,000
Fleet Maintenance	2,368,200
Risk Management	29,222,100
Building Maintenance	2,834,700
Interdepartmental Charges	(36,831,300)
Total	9,232,700
Capital Projects:	
Capital Projects	32,514,700
CIP Engineering	2,751,000
Total	35,265,700
Total Appropriation	\$420,910,500

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this 14th day of June, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The City Manager
 Introduced: April 5, 2021
 Drafted by: Engineering & Public Works Department

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2937(b)

A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2022 through 2027, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2022.

WHEREAS, the CBJ Capital Improvement Program is a plan for capital improvement projects proposed for the next six fiscal years; and

WHEREAS, the Assembly has reviewed the Capital Improvement Program for Fiscal Year 2022 through Fiscal Year 2027, and has determined the capital improvement project priorities for Fiscal Year 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Capital Improvement Program.

(a) Attachment A, entitled "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2022-2027," dated June 1, 2021, is adopted as the Capital Improvement Program for the City and Borough.

(b) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2022 - 2027," are pending capital improvement projects to be undertaken in FY22:

FISCAL YEAR 2022 GENERAL SALES TAX IMPROVEMENTS		
DEPARTMENT	PROJECT	FY22 BUDGET
Eaglecrest	Deferred Maintenance /Mountain Operations Improvements	\$ 275,000
Manager's Office	JPD - Roof Replacement Condition Assessment and Design	100,000
Manager's Office	CCFR Downtown Fire Station Improvements	75,000
Parks & Recreation	Deferred Building Maintenance	500,000
Parks & Recreation	Park & Playground Deferred Maintenance and Repairs	150,000
Parks & Recreation	Sports Field Resurfacing & Repairs	300,000
Parks & Recreation	Trail Maintenance	100,000
General Sales Tax Improvements Total		\$ 1,500,000

FISCAL YEAR 2022
AREAWIDE STREET SALES TAX PRIORITIES

DEPARTMENT	PROJECT	FY22 BUDGET
Street Maintenance	Pavement Management	\$ 800,000
Street Maintenance	Sidewalk & Stairway Repairs	250,000
Street Maintenance	Areawide Drainage Improvements	150,000
Street Maintenance	Tongass Boulevard Phase II - Dudley to Loop Rd	500,000
Street Maintenance	Harris Street	1,050,000
Street Maintenance	Meadow Lane (Stikine to south end)	2,300,000
Street Maintenance	Robbie Road, Ling Court and Laurie Lane	170,000
Street Maintenance	Cedar Drive (Mendenhall to Columbia)	750,000
Street Maintenance	Spruce Lane	500,000
Street Maintenance	Teal Street	1,800,000
Street Maintenance	W 3rd and Dixon Reconstruction	830,000
Street Maintenance	LED Street Light Conversions	150,000
Capital Transit	Bus Shelters Improvements	50,000
Capital Transit	Install additional Elect. Bus Charger Infrastructure - Bus Barn	200,000
Engineering	EV (Electric Vehicle) Policy and Charging Infrastructure	50,000
Engineering	Contaminated Sites Reporting	50,000
Areawide Street Sales Tax Priorities Total		\$ 9,600,000

FISCAL YEAR 2022
TEMPORARY 1% SALES TAX PRIORITIES
Voter Approved Sales Tax 10/01/18 - 09/30/23

DEPARTMENT	PROJECT	FY22 BUDGET
Manager's Office	IT - Infrastructure Upgrades	\$ 400,000
Manager's Office	Affordable Housing Fund	400,000 *
Wastewater Utility	Outer Drive and West Juneau Pump Station upgrades	3,000,000
Wastewater Utility	Auke Bay Treatment plant upgrades	700,000
Parks & Recreation	Augustus Brown Pool (funding deferred from FY 21)	3,300,000
Parks & Recreation	Deferred Building Maintenance	700,000
School District	JSD Buildings Major Maintenance / Match	1,000,000
Public Works	Waste - RecycleWorks Waste Diversion Program	200,000 *
Airport	FAA Project Match	600,000
Temporary 1% Sales Tax Priorities Total		\$ 10,300,000

* Operating Budget Funding

FISCAL YEAR 2022
BARTLETT HOSPITAL ENTERPRISE FUND

DEPARTMENT	PROJECT	FY22 BUDGET
Bartlett Hospital	Crisis Stabilization Center	\$ 1,500,000
Bartlett Hospital	Deferred Maintenance	4,000,000
Bartlett Hospital Enterprise Fund Total		\$ 5,500,000

FISCAL YEAR 2022
LANDS & RESOURCES FUND

DEPARTMENT	PROJECT	FY22 BUDGET
Lands & Resources	Pederson Hill Phase IB	\$ 700,000
Lands & Resources	Pits and Quarries Infrastructure Maintenance and Expansion	50,000
Lands & Resources Fund Total		\$ 750,000

**FISCAL YEAR 2022
WASTEWATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY22 BUDGET
Wastewater Utility	MWWTP SCADA	\$ 1,000,000
Wastewater Utility	Harris Street	200,000
Wastewater Utility	Tongass Boulevard Phase II Sewer replacement	75,000
Wastewater Utility	Facilities Planning (Long Term Treatment Options, I&I Reduction)	200,000
Wastewater Utility	Lift Station upgrades	500,000
Wastewater Utility	MWWTP Treatment Upgrades	1,800,000
Wastewater Utility	JDTP Instrumentation Upgrades	250,000
Wastewater Utility	Teal Street - street reconstruction	250,000
Wastewater Utility	W 3rd and Dixon rehab (Telephone Hill) sewer improvements	28,000
Wastewater Utility	Meadow Lane Improvements - street reconstruction	61,000
Wastewater Utility	Cedar St. - Mendenhall to Columbia - street reconstruction	25,000
Wastewater Utility	Misty Lane (Bayview Subd) reconstruction (including pump station)	950,000
Wastewater Utility	Areawide Collection System Improvements	100,000
Wastewater Utility	Pavement Management Program-Utility Adjustments	20,000
Wastewater Enterprise Fund Total		\$ 5,459,000

**FISCAL YEAR 2022
WATER ENTERPRISE FUND**

DEPARTMENT	PROJECT	FY22 BUDGET
Water Utility	West 3rd and Dixon rehab (Telephone Hill) Water replacement	\$ 167,000
Water Utility	Tongass Blvd Phase II water system replacement - street reconstruction	647,000
Water Utility	Douglas Area water system design scoping	200,000
Water Utility	Meadow Lane(Stikine to south end) (Street Recon)	120,000
Water Utility	Cedar St (mend to columbia) (Street Recon)	59,700
Water Utility	Robbie Rd, Ling Ct and Laurie Lane Reconstruction (street recon)	60,000
Water Utility	Teal Street water system replacement - street reconstruction	260,000
Water Utility	Misty Lane (Bayview) water system replacement - street reconstruction	115,000
Water Utility	Harris Street water system replacement - street recon	300,000
Water Utility	Spruce Lane water system replacement - street recon	100,000
Water Utility	Reservoir Inspections/improvements	300,000
Water Utility	LCB Well Pump VFD conversion and programming updates	300,000
Water Utility	Areawide Water System Repairs	120,000
Water Utility	Pavement Management Water Utility Adjustments	8,000
Water Enterprise Fund Total		\$ 2,756,700

ORDINANCE 2021-08 CAPITAL PROJECTS FUNDING TOTAL

\$ 35,265,700

ORDINANCE 2021-08 OPERATING BUDGET FUNDING TOTAL

\$ 600,000 *

** Operating Budget Funding*

(c) The following list, as set forth in the "City and Borough of Juneau Capital Improvement Program, Fiscal Years 2022-2027," are capital improvement projects identified as priorities proposed to be undertaken beginning in FY22, but are dependent on other unsecured funding sources. As the sources are secured, the funds will be appropriated:

FISCAL YEAR 2022		
JUNEAU SCHOOL DISTRICT UNSCHEDULED FUNDING		
DEPARTMENT	PROJECT	
School District	Mendenhall River Community School Boiler Renovation	\$ 900,000
Juneau School District Unscheduled Funding Total		\$ 900,000

FISCAL YEAR 2022		
AIRPORT UNSCHEDULED FUNDING		
DEPARTMENT	PROJECT	
Airport	Float Pond Improvement (South Road/Embankment) Phase 2	\$ 1,730,000
Airport	Property Acquisition	1,500,000
Airport Unscheduled Funding Total		\$ 3,230,000

FISCAL YEAR 2022		
UNSCHEDULED FUNDING		
DEPARTMENT	PROJECT	
Lands & Resources	Pederson Hill IB	\$ 500,000
Managers Office	JPD and CCFR - Radio System replacement	12,000,000
Unscheduled Funding Total		\$ 12,500,000

Section 2. Fiscal Year 2022 Budget. It is the intent of the Assembly that the capital improvement project budget allocations as set forth in the FY22 pending Capital Improvements List in Section 1(b), above, not already appropriated, shall become a part of the City and Borough's Fiscal Year 2022 Budget.

Section 3. State and Federal Funding. To the extent that a proposed CIP project, as set forth in Section 1(c), above, includes state funding, federal funding, or both, the amount of funding for that project is an estimate only, and is subject to appropriation contingent upon final funding being secured. It is the intent of the Assembly that once funding is secured, these items will be brought back to the Assembly for appropriation.

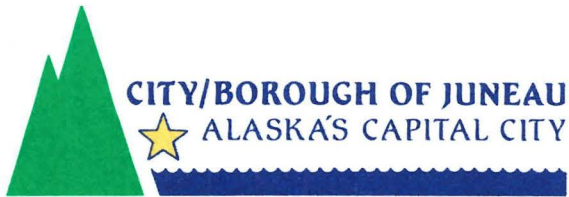
Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 14th day of June, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



OFFICE OF THE MUNICIPAL CLERK

Ph: (907)586-5278 Fax: (907)586-4552

e-mail: city.clerk@juneau.org

May 13, 2021

Via certified & regular mail

DeHart's, LLC
Attn.: Dan Hickok
11735 Glacier Hwy.
Juneau, AK 99801
deharts@gci.net

Re: Package Store 2021-2022 Liquor License Renewal Protest
DeHart's, LLC d/b/a DeHarts Grocery License #300

Dear Mr. Hickok,

City and Borough of Juneau is in receipt of your liquor license renewal from the Alcohol Beverage Control Board which is being forwarded to the Assembly for local governing body action.

As is our practice in these matters, staff from the Fire, Finance, Police, and Community Development Departments has reviewed your establishment to insure compliance with city code. **The Finance Department is recommending the Assembly protest this license renewal due to a past due balance on Sales Tax (account #116489), as of May 31, 2021, in the amount of \$17,312.78 along with any penalties and interest that may be accruing until balance is paid.**

CBJ Code 20.25.025 provides you with the right to an informal hearing before the Assembly to address this issue. **This matter will be considered at the Monday, May 24, 2021 Assembly Human Resources Committee (HRC) meeting at 5:30pm in the Assembly Chambers & via zoom webinar** and the HRC will then forward a recommendation to the Assembly at its regular meeting that same evening at 7:00pm in the Assembly Chambers & via zoom webinar. **The Assembly will take up the action regarding the protest at its regular meeting on Monday, June 14, 2021 at 7:00pm in the Assembly Chambers & via zoom webinar.** You will be given the opportunity to participate in an informal hearing before the HRC and the Assembly during these meetings if you wish to do so.

Copies of the CBJ Code and Alaska Statutes pertaining to the protest process are enclosed for your reference. In the meantime, I urge you to work with CBJ Collections and Sales Tax staff to ensure all outstanding balances are resolved prior to this appearing before the Assembly on June 14, 2021 at 7:00pm in the Assembly Chambers and via Zoom Webinar. If balance due is paid prior to the May 24, 2021 HRC meeting or the June 14, 2021 Assembly meeting, protest will be removed and noted as such at the meetings. Finance Collections & Sales Tax staff can be reached at 586-5215.

To participate via zoom on May 24, 2021 use the following participation information:
<https://juneau.zoom.us/j/95241164899> or call: 1-253-215-8782 Webinar ID: 952 4116 4899

Sincerely,

A handwritten signature in black ink that reads "Diane Cathcart". The signature is fluid and cursive, with a large initial "D" and a distinct "C" for "Cathcart".

Diane Cathcart

Deputy Municipal Clerk

Enclosures

cc via email: Assembly & Liquor License Staff Reviewers

ALASKA STATUTES AND CBJ CODE SECTIONS
RE: ASSEMBLY LIQUOR LICENSE PROTEST PROCESS

Alaska Statutes 04.11.480

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under [AS 04.11.510](#) (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of [AS 04.11.510](#) (b)(3) requesting a public hearing within 30 days of the posting of notice required under [AS 04.11.310](#) , or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under [AS 04.11.510](#) (b)(3) when it considers the application, and the record of a hearing conducted under [AS 04.11.510](#) (b)(3) shall be retained as part of the board's permanent record of its review of the application.

(c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under [AS 04.11.510](#) (b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under [AS 04.11.510](#) (b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.

(d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under [AS 44.62.360](#) and conduct proceedings to resolve the matter as described under [AS 04.11.510](#) (c).

CBJ Code 20.25.025

20.25.025 Assembly review of license issuance, renewal, transfer, relocation, or continued operation.

(a) The assembly may protest the issuance, renewal, transfer, relocation, or continued operation of an alcoholic beverage license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:

- (1) The character and public interests of the surrounding neighborhood;
 - (2) Actual and potential law enforcement problems, including the proximity of the premises to law enforcement stations and patrols;
 - (3) The concentration of other licenses of the same and other types in the area;
 - (4) Whether the surrounding area experiences an unacceptable rate of alcohol abuse or of crime or accidents in which the abuse of alcohol is involved;
 - (5) The adequacy of parking facilities;
 - (6) The safety of ingress to and egress from the premises;
 - (7) Compliance with state and local fire, health and safety codes;
 - (8) The degree of control the licensee has or proposes to have over the conduct of the licensed business;
 - (9) The history of convictions of the applicants and affiliates of the applicants for:
 - (A) Any felony involving moral turpitude;
 - (B) Any violation of AS title 04; and
 - (C) Any violation of the alcoholic beverage control laws of another state as a licensee of that state;
 - (10) Whether the applicant or the applicant's affiliates are untrustworthy, unfit to conduct a licensed business or constitute a potential source of harm to the public;
 - (11) Any other factor the assembly determines is generally relevant or is relevant to a particular application.
- (b) The assembly may protest the issuance, transfer, renewal, relocation, or continued operation of a license as provided in state law if it determines any of the following conditions exist:

- (1) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;
- (2) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;
- (3) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;
- (4) If the license requested is for a beverage dispensary and is requested under AS 04.11.400(d)(1), unless the tourist facility will contain 30 or more rooms;
- (5) If the application is for the issuance or relocation of a license and, after the issuance or relocation, there would be:
 - (A) More than one restaurant or eating place license for each 1,500 population, or fraction thereof, residing within the City and Borough; or
 - (B) More than one license of each other type for each 3,000 population or fraction thereof residing within the City and Borough.
- (6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough; or
- (7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section.

(c) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, relocation, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the address last provided by the applicant to the municipal sales tax examiner. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.
(Serial No. 84-50, § 4, 1984; Serial No. 86-35, §§ 2, 3, 1986; Serial No. 93-25, § 2, 1993; Serial No. 2002-06, § 2, 2-25-2002; Serial No. 2002-44, § 2, 12-2-2002)

State Law References: Assembly protest, AS 04.11.480.



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202
 Phone: (907)586-5278 Fax: (907)586-4552
 email: city.clerk@juneau.org

Notice of Appeal

Appeal received May 27, 2021 via email. Assigned Assembly Appeal #2021-01 by Clerk Beth McEwen

This appeal is governed by CBJ 01-50, the Municipal Appellate Code. This code establishes the standards and procedures for appeals.¹ Anyone who files an appeal should be familiar with the appellate code. The clerk can give you a copy of the code.

Attach a copy of the decision being appealed. Do not attach any other documents, exhibits, or additional pages to this form, except for any pages needed to continue the answers to the requested information below. The clerk will accept this form only if the appropriate filing fee is attached. The fee to file an appeal to the assembly is \$500.00. To be timely, an appeal must be filed within 20 days of the date the decision being appealed is filed with the clerk.

Action Being Appealed

Board decisions are appealable: board recommendations and most staff decisions are not.

- ☒ Agency Appealed From: Planning Commission
- ☒ Description and Date of Decision: May 20, 2021; Non-administrative variance to approve a reduction to minimum lot depth standard (VAR2021 0001)

Concerned Parties

Identify the people who have an interest in the action being appealed: yourself and others.

☒ Party Filing Appeal	Mailing Address	Telephone	Fax	Email
Jill Maclean, Director, Community Development	230 S. Franklin St. 4th Floor Marine View Building	907-586-0715		Jill.Maclean@juneau.org
☒ Parties Who Won the Decision Appealed	Mailing Address	Telephone	Fax	Email
Natalia Golovatiuk	7602 Lumsi Ave Unit 4 Anchorage, AK 99518	907-500-4756		Odessa.Club@yahoo.com

1 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed only if:

- (1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
 - (2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or
 - (3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.
- (b) The burden of proof is on the appellant. (Serial No. 92-36 2 (part), 1992).

2016 - Appeal Form
Page 2 of 2

Issues on Appeal²

Concisely describe the legal and factual errors that form the basis for your appeal. Do not argue them: argument will be heard later.

Planning Commission decision dated May 20, 2021 fails to meet the minimum standards for granting a non-administrative variance [(49.20.250(b))].

1. Applicant failed to prove a hardship, per the land use code. [(CBJ49.20.250(b))]

The hardship must be a result of the unusual or special conditions of the property, and the unusual condition cannot be created by the person seeking the variance [(49.20.250(b)(1)(A))]. The applicant wants a variance to subdivide the property--it is the subdivision that creates the need for the variance [(49.20.250(b)(1)(B))]. Under current code, the property may be developed with a single family dwelling, a single-family dwelling with an accessory apartment, a duplex, or a triplex without the need to subdivide.

2. Planning Commission seems to have misunderstood the pre-application conference process, and used this as a finding to grant the variance. [(CBJ 49.15.401(b))]

At a pre-application conference, CBJ staff typically reviews and provides soft guidance on a proposal or a concept presented as a potential development. An application is not submitted, and it is not a formal review, nor does it grant approval. The pre-application conference was held on July 8, 2020. The pre-application report was issued July 17, 2020 to the applicant, and clearly states that the required minimum lot depth is 80 feet.

3. Planning Commission findings do not meet the variance standards in code. [(CBJ49.20.250(b))]

Commission found that the variance was not caused by the applicant, stating that developing the land would stabilize the bank. The Commission also found that the variance is narrowly tailored to the relieve the hardship, yet no hardship recognized by the code exists as the lot may be developed without the need to subdivide. However, a variance is not needed to develop the land [(49.20.250(b)(1)(D))]. Further, the Commission did not approve a variance in November 2020 (VAR2020 0002) stating in that situation, it was the applicant's desire to subdivide the land that caused the need for the variance. The Commission's findings do not demonstrate how this situation is materially different [(49.20.250(b)(1)(B))].

Relief Requested

What should the Assembly do with the action being appealed: send it back, modify it, or something else?

Assembly should reverse and remand the case back to the Planning Commission. The staff report provided the legal basis for the denial and the Assembly should uphold that analysis and recommendation. Language from CBJ v. Thibodeau (595 P2d 626 (AK 1979) case indicates that the remedy is to change the code, not grant the variance. Staff is proposing a change to lot depth, which would grant relief to the applicant.


Signature

May 27, 2021

Date

If you are representing any group, or a person other than yourself, you must sign a notarized statement that you are authorized to represent them.

2 01.50.030(b)(5) COMMENCEMENT OF ACTION.

The notice of appeal shall include a concise statement of the legal and factual errors in the decision that form the basis of the appeal.

-over-



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: May 20, 2021
File No.: VAR2021 0001

Natalia Golovatiuk
7602 Lumbis Ave, Unit 4
Anchorage, AK 99518

Proposal: Variance for minimum lot depth from 80 to 76.23 (proposed Lot 5A) and 79.45 (proposed Lot 5B) feet for the purposes of a common wall subdivision

Property Address: Peters Lane

Legal Description: Bellevue Block I Lot 5

Parcel Code No.: 1D050L140050

Hearing Date: May 11, 2021

The Board of Adjustment, at its regular public meeting, adopted the analysis but did not adopt all of the findings listed in the attached memorandum dated March 30, 2021. The Board of Adjustment made new findings for criterion A, B, and D (as shown below) and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

New findings made by the Board of Adjustment:

A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.

Yes. The unusual condition is the lot itself, as the surrounding area is all zero lot lines and common wall subdivisions, and in keeping with the area, it would prevent the owner from using a similarly situated lot, as seen by Lot 6 behind it. This application is different than the variance (VAR2020 0002) denied in November 2020, because they (VAR2020 0002 applicant)

Natalia Golovatiuk
File No: VAR2021 0001
May 20, 2021
Page 2 of 3

had a variance approved under previous code that they (VAR2020 0002 applicant) did not act upon, and because they (VAR2020 0002 applicant) were not told at a pre-application conference to get some engineering done.

Finding: This criterion is met.

B. *The unusual or special conditions of the property are not caused by the person seeking the variance.*

Yes. The applicant acted in good faith and was told it would be successful, which is unique. A special condition is the lot itself, which is steep. There is a water issue and developing that land to stabilize the bank and deal with surface water is a benefit.

Finding: This criterion is met.

D. *The grant of this variance is narrowly tailored to relieve the hardship.*

Yes. The applicant has requested the bare minimum reduction in lot depth needed to facilitate the common wall subdivision.

Finding: This criterion is met.

Attachment: March 30, 2021, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR2021 0001.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 p.m. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Board, May 11, 2021.

Expiration Date: The permit will expire 18 months after the effective date, or November 11, 2022, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Natalia Golovatiuk

File No: VAR2021 0001

May 20, 2021

Page 3 of 3



May 20, 2021

Michael Levine, Chair
Planning Commission

Date



May 20, 2021

Filed With City Clerk

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



BOARD OF ADJUSTMENT STAFF REPORT
VARIANCE VAR2021 0001
HEARING DATE: APRIL 13, 2021

(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

DATE: March 30, 2021
TO: Michael LeVine, Chair, Board of Adjustment
BY: Beth McKibben, Senior Planner, AICP *Bmk*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Non-administrative Variance for minimum lot depth from 80 to 76.23 (proposed Lot 5A) and 79.45 (proposed Lot 5B) feet for the purposes of a common wall subdivision.

STAFF RECOMMENDATION: Denial

KEY CONSIDERATIONS FOR REVIEW:

- Variance would allow subdivision creating two lots with substandard depth. Lots would be considered compliant if variance is approved.
- Lot is vacant and can be developed with up to three units without a subdivision.
- Natural conditions of the lot do not create undue hardship.
- Similarly situated properties have the same constraints to subdivision and development.

GENERAL INFORMATION	
Property Owner	Natalia Golovatiuk
Applicant	Natalia Golovatiuk
Property Address	Peters Lane
Legal Description	Bellevue Block I Lot 5
Parcel Number	1D050L140050
Zoning	D18
Lot Size	7,900 square feet
Water/Sewer	City water; sewer to be extended by developer
Access	Peters Lane
Existing Land Use	Vacant
Associated Applications	NCC2021 0017

ALTERNATIVE ACTIONS:

1. **Approve:** approve the permit and adopt new findings for items 1-2 below that support the approval. Approval may require conditions.
2. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o 49.15.420
 - o 49.20.230(b)
 - o 49.20.240
 - o 49.20.250(b)
 - o 49.20.260
 - o 49.25.400

The Commission shall hear and decide the case per 49.20.240. The board of adjustment shall hear all variance requests except administrative variances, and shall either approve, conditionally approve, modify or deny the request based on the criteria in section 49.20.250(b).

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (D18)	Vacant/residential
South (D18)	Residential
East (D18)	Residential
West (D18)	Residential/vacant

SITE FEATURES

Anadromous	No
Flood Zone	No
Hazard	No
Hillside	Yes
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	No

BACKGROUND INFORMATION

Project Description – The applicant requests a variance to reduce D18 minimum lot depth for the purposes of a common wall subdivision (**Attachment A**).

A variance changes the standards and regulations that apply to a lot. If the Board of Adjustment (board) grants this variance, the resulting lots will be considered compliant, despite the substandard lot depth.

In order to grant a variance, the board must determine that [CBJ 49.20.250(b)]:

- (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
- (B) The unusual or special conditions of the property are not caused by the person seeking the variance;
- (C) The grant of the variance is not detrimental to public health, safety, or welfare; and
- (D) The grant of the variance is narrowly tailored to relieve the hardship.

The need for the variance must be based on a naturally-occurring peculiarity of the lot. A variance provides a “relief valve” for a land owner who would suffer undue hardship from literal application of zoning rules.

The table on page 3 summarizes relevant history for the lot and proposed development.

Background – The applicant submitted the building permits for a common wall development at which time it was realized that the average lot depth is less than the required 80-foot minimum. The nonconforming lot depth was overlooked in the pre-application.

History

The existing lot was platted in 1963 as part of the Bellevue Subdivision, with Platting Resolution 150. The area was not zoned at the time, and no minimum lot area, lot width or lot depth requirements were required. The area was zoned D18 in 1987.

The table below summarizes relevant history for the lot and proposed development.

Item	Summary
PAC2020 0043	Pre-application Conference Report (PAC)
NCC2021 0017	A nonconforming certificate review for lot.
Platting Board minutes October 29, 1963	Approving platting resolution 150 for the Bellevue Plat.
BLD20200723 & BLD2020724	Building permits to construct two units with the intent to subdivide as common wall; includes associated engineering required for the hillside endorsement.

ANALYSIS

Project Site – The site meets or exceeds the minimum lot area and lot width of the D18 zoning. Proposed lot 5A would have a lot depth of ~76.3 feet, and proposed lot 5B would have a lot depth of ~79.5 feet.

Standard (Common wall)	Requirement	Existing	Requested		Code Reference
			<i>Lot 51A</i>	<i>Lot 5B</i>	
Lot Size, square feet	2,500	7,9000	4,078	3,782	49.25.400
Lot Width, linear feet	20	~107	59.3	47.83	49.25.400
Lot Depth, linear feet	80	78.12	~76.3	~79.5	49.25.400

Platting

If the board grants the variance, the owner could subdivide the existing lot into two common wall lots with substandard lot depth. Resulting lots would be considered compliant for lot depth. A subdivision application has not been received nor reviewed; other applicable platting standards would apply. This variance approval is separate from a common wall subdivision approval.

Lot Dimensional Standards -

If the board grants this variance, the owner could subdivide the existing into two common wall lots with substandard lot depth. Lot 5A would have a depth of approximately 78.12 feet. Lot 5B would have a depth of approximately 79.5 feet.

To summarize the proposal [CBJ 49.15.420]:

	Required	Existing	Proposed Lot 5A	Proposed Lot 5B
Lot Depth	80	78.12*	76.3	79.5
Minimum lot area – common wall (square feet)	2,500	7,900	4,078	3,782

*Existing nonconforming lot (Attachment E)

“Lot depth” means the average distance measured from the front lot line to the rear lot line [CBJ 49.80]. Lot depth can be determined by adding the lot depth at one end to lot depth at the other, and dividing by two. Using this method, the lot’s current nonconforming depth is 78.12 linear feet.

Subdivided lots resulting from approval of this variance would have less-than-required lot depth, and would be considered compliant with a new lot depth specialized for this situation. They would not qualify for setback reductions for substandard lots.

The proposed common wall development would meet or exceed other dimensional standards.

Alternatives Reviewed – A number of other alternatives to the variance process were evaluated for this site.

Permissible Development Options

D18 zoning requires a minimum of 2,420 square feet per dwelling unit. With a lot area of 7,900 square feet, the lot has a density of up to three units. The two-unit structure, as designed, may be used as a duplex. Additionally, the project could use a condominium ownership structure, allowing each unit to be owned individually, with the land owned in common with a Homeowners’ Association.

The lot may support up to three units, attached or detached, if dimensional standards are met; or one single-family dwelling, or a single-family dwelling with an accessory apartment.

Non-permissible Development Options

CBJ 49.25.510(g) provides for a conditional use permit for a common wall or duplex development on a lot less than the required lot size. The applicant must demonstrate that the same number of units exist or may be lawfully created as a result of nonconforming development provisions. This lot exceeds the minimum lot area. This option is not available to the applicant.

CBJ 49.25.510(h) provides for a conditional use permit for a two-unit common wall structure on less than the required lot area. The lot must have been legally platted prior to 1987 and the subdivision designed specifically for two-unit common wall structures. No information is available to indicate that the subdivision was created specifically for two-unit common wall development, and the lot exceeds the minimum lot size. This option is not available to the applicant.

CBJ 49.70 Article XII, Alternative Residential Subdivision was evaluated. However, this process would result in the creation of three new lots: the parent lot and two unit lots. This would be an aggravation of the nonconforming situation.

VARIANCE STANDARDS

Pursuant to CBJ 49.20.200, a non-administrative variance may be granted to provide an applicant relief from the requirements of this Title 49, the Land Use Code. A variance cannot vary requirements or regulations of Title 49 concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35 (Public and Private Improvements), or requirements in chapter 49.65 (Specified Use Provisions).

Per CBJ 49.20.250(b), a non-administrative variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the board has determined that:

A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.

Analysis: The applicant must establish that adhering to the code creates hardship that is distinct from similarly situated properties. Hardship must be due to peculiarities of the land.

“Hardship” means that the land cannot be used as intended. Pecuniary difficulties cannot be considered hardship.

The lot was platted prior to zoning. It is located in a district intended for multi-family development. The lot is vacant and may be developed with up to three units without a subdivision. Reasonable use of the property is not prohibited.

There are no mapped anadromous streams and no mapped wetlands on the lot. The lot is not in a FEMA mapped flood zone. The lot is steeply sloped similarly to surrounding properties, and a hill side endorsement is required regardless of the proposed subdivision.

The ability to develop the property with up to three units on the land demonstrates the land does not have peculiarities that deny use.

Finding: This criterion **has not** been met.

B. The unusual or special conditions of the property are not caused by the person seeking the variance.

Analysis: No unusual conditions of the property exist, caused by the applicant or otherwise.

The owner’s desire to subdivide the land creates the need for a variance. The need for a variance is not due to a natural condition of the land.

Finding: This criterion **has not** been met.

C. The grant of the variance is not detrimental to public health, safety, or welfare.

Analysis: The applicant is required to complete site engineering through the required hillside endorsement process, which is reviewed and approved by the Director, through the building permit process. This process is intended to protect the site, and the area both during and after construction.

Finding: This criterion **has** been met.

D. The grant of the variance is narrowly tailored to relieve the hardship.

Analysis: The variance cannot be considered narrowly tailored.

- There is no proven hardship to which to tailor the variance.
- The subdivision would self-create a hardship.

This variance request is based on the most restrictive lot depth required for the proposed subdivision.

Finding: This criterion **has not** been met.

Pursuant to CBJ 49.20.260, the board may attach to a non-administrative variance conditions regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

Condition: None recommended.

AGENCY REVIEW

CDD conducted an agency review comment period between March 8, 2021 and March 16, 2021. Comments received are found in Attachment C and are summarized below.

Agency	Summary
CCFR	No fire code or fire department concerns from the project as proposed. Public concerns regarding emergency vehicle access is a longer term challenge. Emergency apparatus requires a minimum of a 20-foot wide drivable surface, which does not have to be paved (per fire standards).
CBJ Streets	No concerns with the variance request provided the developer installs driveways in accordance with CBJ standards. Peters Lane is signed for no parking but signage isn't obvious. Streets will improve this signage when weather allows. Concerns from neighbors were a result of a 100 year storm event and a non-permitted driveway with an undersized culvert. Properly sized driveways culverts will help prevent this from happening in the future.

PUBLIC COMMENTS

In accordance with 49.20.230(b) public notice was mailed to property owners within 500 feet of the lot, a public notice sign was posted on-site two weeks prior to the hearing, and ads were placed in the Juneau Empire. Public comments received at time of writing this staff report can be found in Attachment D and are summarized below.

Name	Summary
Frank & Nancy Baxter	Concern with drainage from an unnamed creek; narrow unpaved street, poorly drained, emergency vehicle access when vehicles are parked on the street, safety of proposed structure in the event of an earthquake; requirement for off-street parking; no sidewalks on the street and need for accommodations for handicapped people; and danger to pedestrians.
Julie Costello	Concern for consideration of the stability of hillside supporting existing condominiums uphill from proposed development; culverts, ditches, and roadway during and after construction. Road needs maintenance. Concern for ability of narrow roadway to support additional development.
Ann House	Questions about the building design; and how construction will be monitored; concerns about impacts of development because of damage incurred during storms in 2019. Expressed concurrence with the variance request, but would like to see improvement to the neighborhood.

FINDINGS

1. *Is the application for the requested variance complete?*

Analysis: No additional analysis required.

Finding: Yes. The application for the required variance is complete.

2. *Does the variance as requested meet the criteria of Section 49.20.250(b)(1), Non-Administrative Variances?*

Analysis: As discussed above, the Applicant has not established that:

- A peculiarity of the land causes hardship.
- The land cannot be used as intended.
- The lot is different than similarly-situated properties.
- A natural condition creates hardship.

Finding: No. The requested variance does not meet all of the criteria of Section 49.20.250(b)(1), Non-Administrative Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY requested non-administrative variance.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	NOD NCC2021 0017
Attachment F	PAC2020-0043 report



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address Peters Ln, Douglas AK		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) BELLEVUE BL I LT 5		
	Parcel Number(s) 1D050L140050		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner NATALIA GOLOVATIUK	Contact Person NATALIA GOLOVATIUK	Phone Number(s) (907)500-4756
	Mailing Address 7602 LUMBIS AVE UNIT 4, ANCHORAGE AK 99518		
	E-mail Address ODESSA.CLUB@YAHOO.COM		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
☒ <u>Natalia Golovatiuk</u> Landowner/Lessee Signature		06/24/2020 Date	
☒ _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME		Contact Person SAME	
Mailing Address SAME		Phone Number(s) (907)500-4756	
E-mail Address SAME			
☒ <u>Natalia Golovatiuk</u> Applicant's Signature		06/24/2020 Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials BMc
Case Number VAR2021 0001
Date Received 2.26.2021



VARIANCE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

**NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.
Not to be used for Administrative Variances**

To be completed by Applicant	PROJECT SUMMARY			
	Subject Parcel's ID: 1D050L140050, D-18 zoned lot, area 7,900 sq ft, was determined not to meet a minimum lot depth to qualify for a common-wall subdivision of the subject lot into two parcels. An applicant is proposing a minor common-wall subdivision of the subject parcel to create two lots.			
	VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to) Variance is requested for the minimum lot depth requirement (80') stated in Table of Dimensional Standards 49.25.400			
	Previous Variance Applications?		YES	☒ NO
	Previous Case Number(s): _____		Date of Filing: <u>02/17/2021</u>	
	Was the Variance Granted? YES NO		Building Permit related to this variance? ☒ YES NO	
	UTILITIES AVAILABLE:		WATER ☒ Public On Site	SEWER: ☒ Public On Site
	ALL REQUIRED MATERIALS ATTACHED			
	Complete application per CBJ 49.65.210			
	Narrative including:			
	Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure			
	Why a variance would be needed for this property regardless of the owner			
	What hardship would result if the variance is not granted			
	Site Plan			

DEPARTMENT USE ONLY BELOW THIS LINE

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>400</u>			
Adjustment	\$ _____			
Total Fee	\$ <u>400</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
VAR	2.26.2021

Variance Application Instructions

Variances are outlined in CBJ 49.20 article II

Application: An application for a Variance will not be accepted by the Community Development Department (CDD) until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Variance Application and Development Permit Application forms.
2. **Fees:** The fee for a Variance Application is \$400.00. If the application is in conjunction with a major development permit, the Variance fee will be reduced by 20 percent. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Description:** A detailed letter or narrative describing the hardship that is the result of an unusual situation or physical feature affecting a specific parcel of land or structure. **Also include how the proposed project meets the variance criteria listed on the attached sheet.**
4. **Plans:** A site plan showing the following information:
 - A. The location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.); and
 - B. The location of existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Community Development Department at (907) 586-0715 or via email at Permits@juneau.org.

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

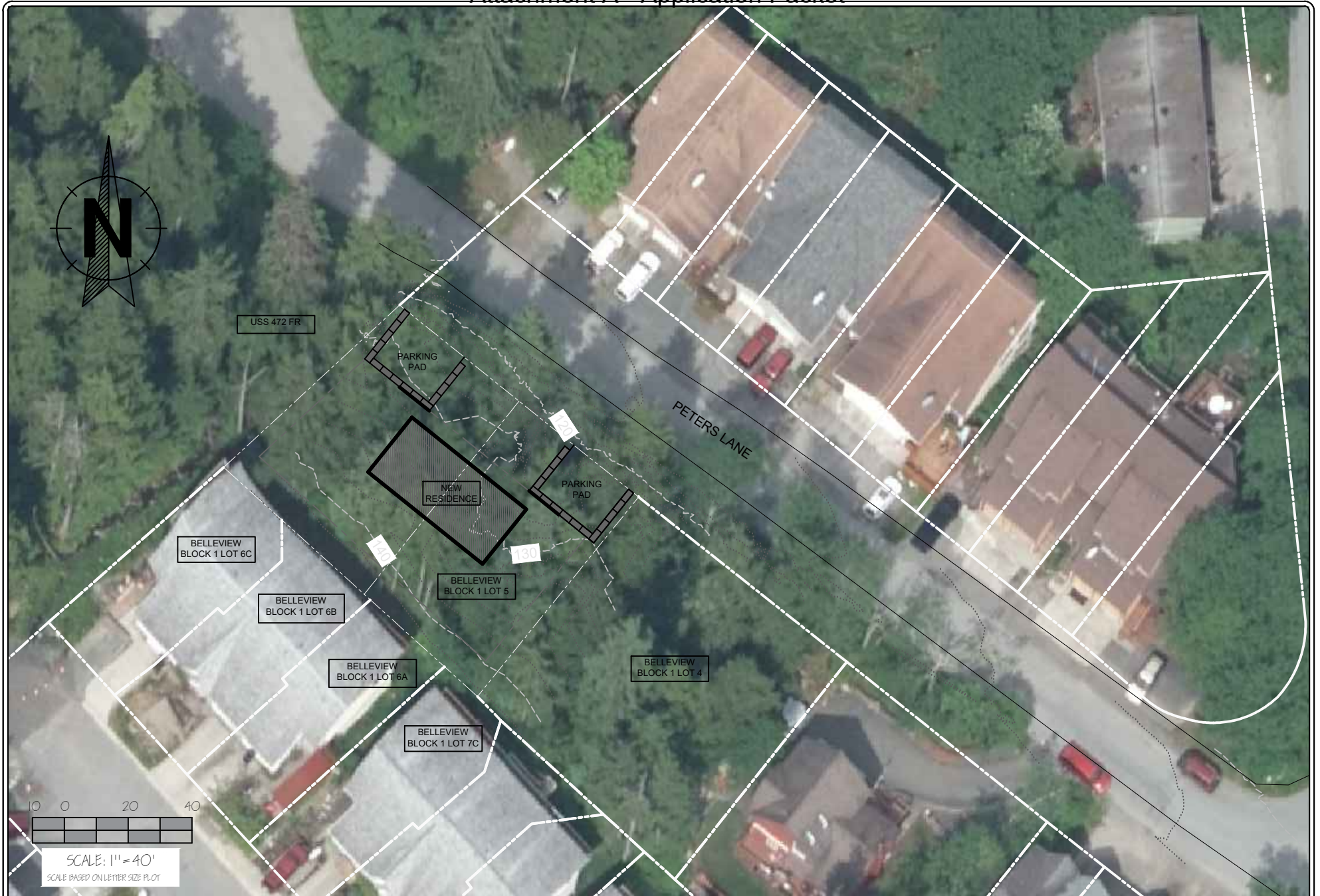
Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Variance Application request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Variance Applications must be reviewed by the Board of Adjustment. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Variance process, all requests must be given proper public notice as outlined in 49.20.230 which consists of the following:

Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site. A "Public Notice Sign" is required to be posted on the site by the Applicant and the Community Development Department will create the sign to be posted.

Attachment A - Application Packet



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

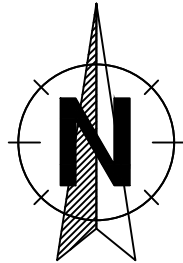
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Vicinity Map

DRAWN:
8/23/20
SHEET #
1/15

Attachment A - Application Packet



SECTION A-A

SECTION B-B

SECTION C-C

SECTION D-D

SECTION E-E

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW MINOR CONTOUR



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT

STRUCTURAL FILL BUILDING PAD.
TOP OF PAD DIMENSIONS 52'X28'

NEW 2-STORY ZERO-LOT LINE RESIDENCE.

UPSLOPE SURFACE
WATER SWALE

UPSLOPE
FRENCH DRAIN

18'X22' PARKING PAD

RETAINING
WALL #1

BUILDING
SETBACK LIMIT

PROPERTY LINE

PETERS LANE

22 FT WIDE DRIVEWAY
INSTALL AND PAVE DRIVEWAY
PER CBJ STANDARD 103A

CPP - 30 LF
INSTALL HEADWALL PER
CBJ STD DETAIL 104B

INCREASE DITCH DEPTH TO
24". 24" DITCH BOTTOM WIDTH.
MAINTAIN EXISTING DITCH
OVERALL WIDTH

22 FT WIDE DRIVEWAY
INSTALL AND PAVE DRIVEWAY
PER CBJ STANDARD 103A

24" CPP - 30 LF
INSTALL HEADWALL PER CBJ
STD DETAIL 104B

18'X22' PARKING PAD

RETAINING
WALL #2

CONNECT RETAINING
WALL AND UPSLOPE
FRENCH DRAINS (TYP)

NOTES:

- 1) ALL DEVELOPMENT ACTIVITIES SHALL COMPLY WITH CBJ MANUAL OF STORMWATER BEST MANAGEMENT PRACTICES - AUGUST 2010
- 2) APPROXIMATELY 250 CY OF ROCKFILL ARE TO BE IMPORTED TO SITE FOR USE AS BUILDING PAD ROCKFILL.
- 3) ALL DISTURBED GROUND SHALL BE STABILIZED WITH TOPSOIL AND SEEDING PER CBJ STDs 2709 & 2710 AT THE CONCLUSION OF PROJECT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

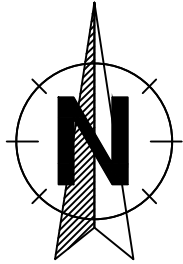
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Site Plan

DRAWN:
12/11/20
SHEET #
2/15

Attachment A - Application Packet



- 0%-12% ORIGINAL SLOPE
- 12%-30% ORIGINAL SLOPE
- 30% + ORIGINAL SLOPE

10 0 20 40



SCALE: 1" = 40'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

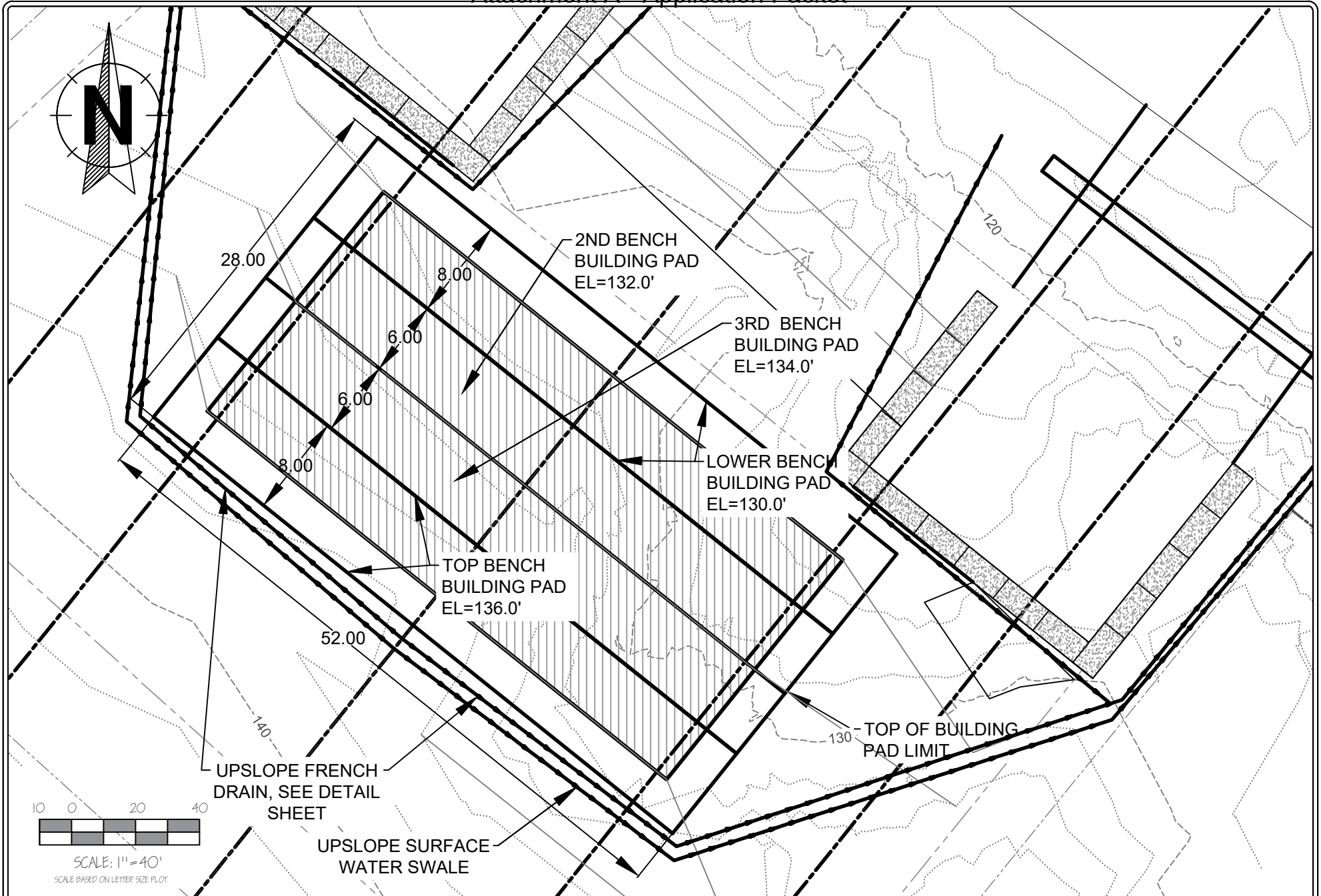
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Original
Slope Grades

DRAWN:
8/23/20
SHEET #
3/15

Attachment A - Application Packet



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(503) 866-5579

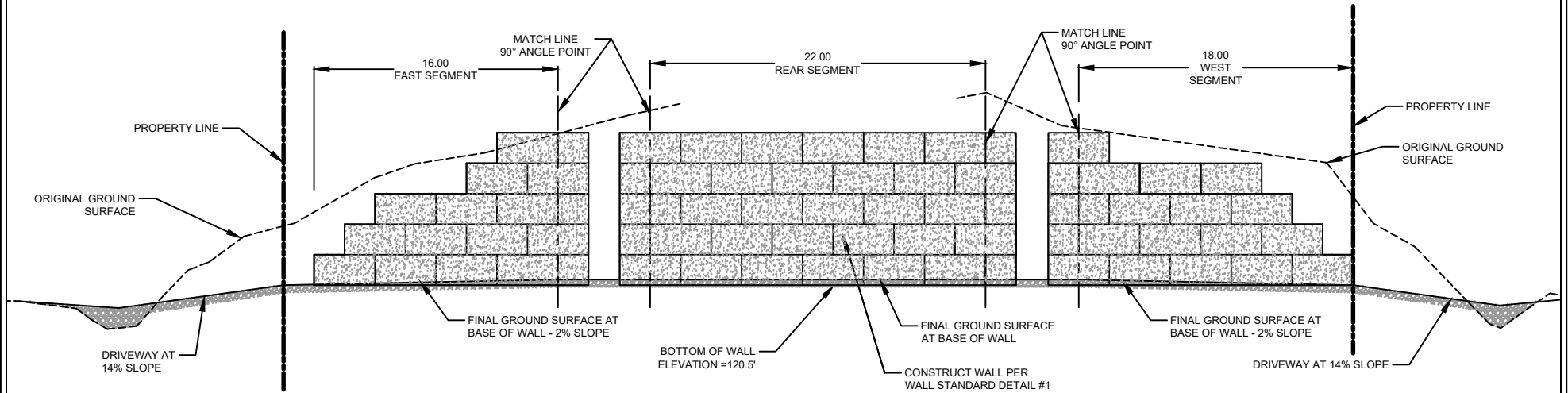
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Building Pad
Plan

DRAWN:
12/11/20
SHEET #
4/15

Attachment A - Application Packet



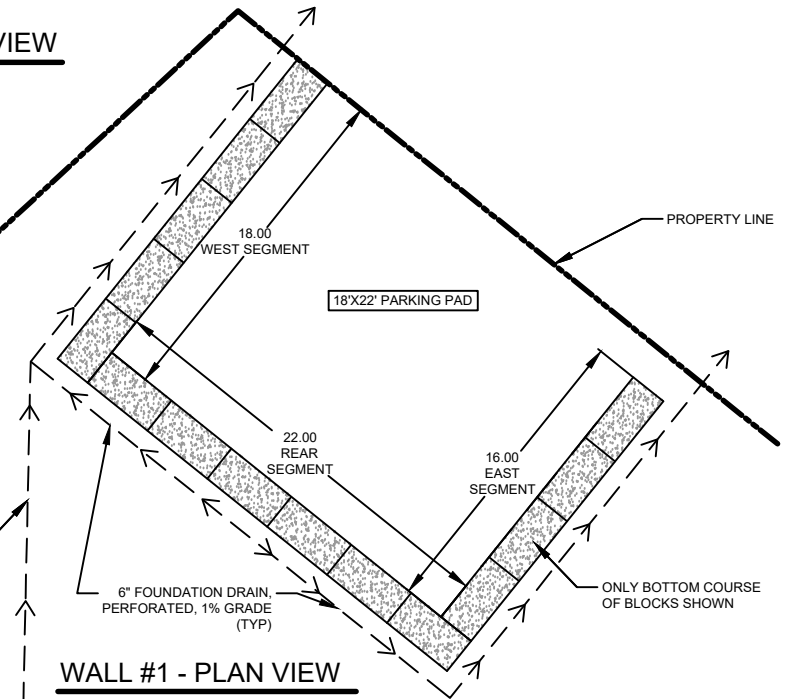
WALL #1 - ELEVATION VIEW



PRIMARY UPSLOPE FRENCH DRAIN. TIE INTO WALL FOUNDATION DRAIN AND DISCHARGE TO DITCH



SCALE: 1"=10'
SCALE BASED ON LETTER SIZE PLOT



WALL #1 - PLAN VIEW



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

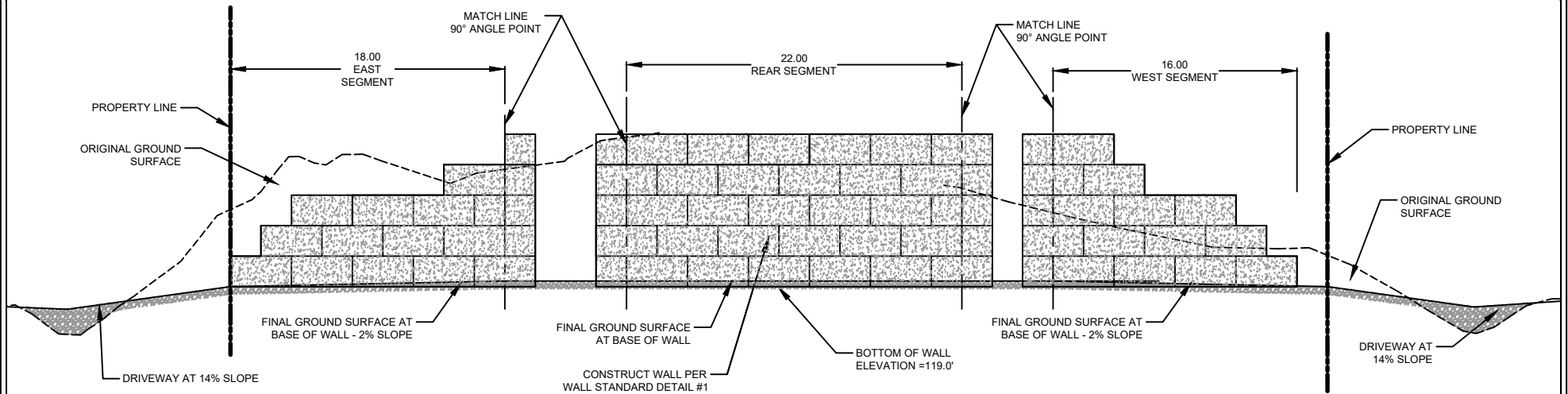
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

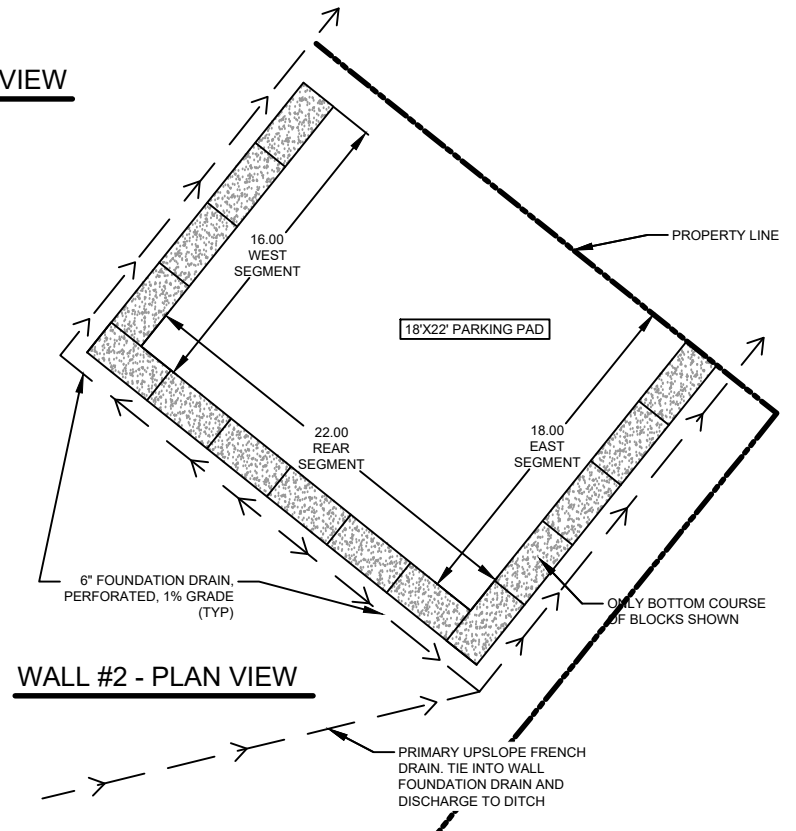
Retaining Wall #1
Plan & Elevation

DRAWN:
12/11/20
SHEET #
5/15

Attachment A - Application Packet



WALL #2 - ELEVATION VIEW



WALL #2 - PLAN VIEW

2.5 0 5 10



SCALE: 1"=10'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

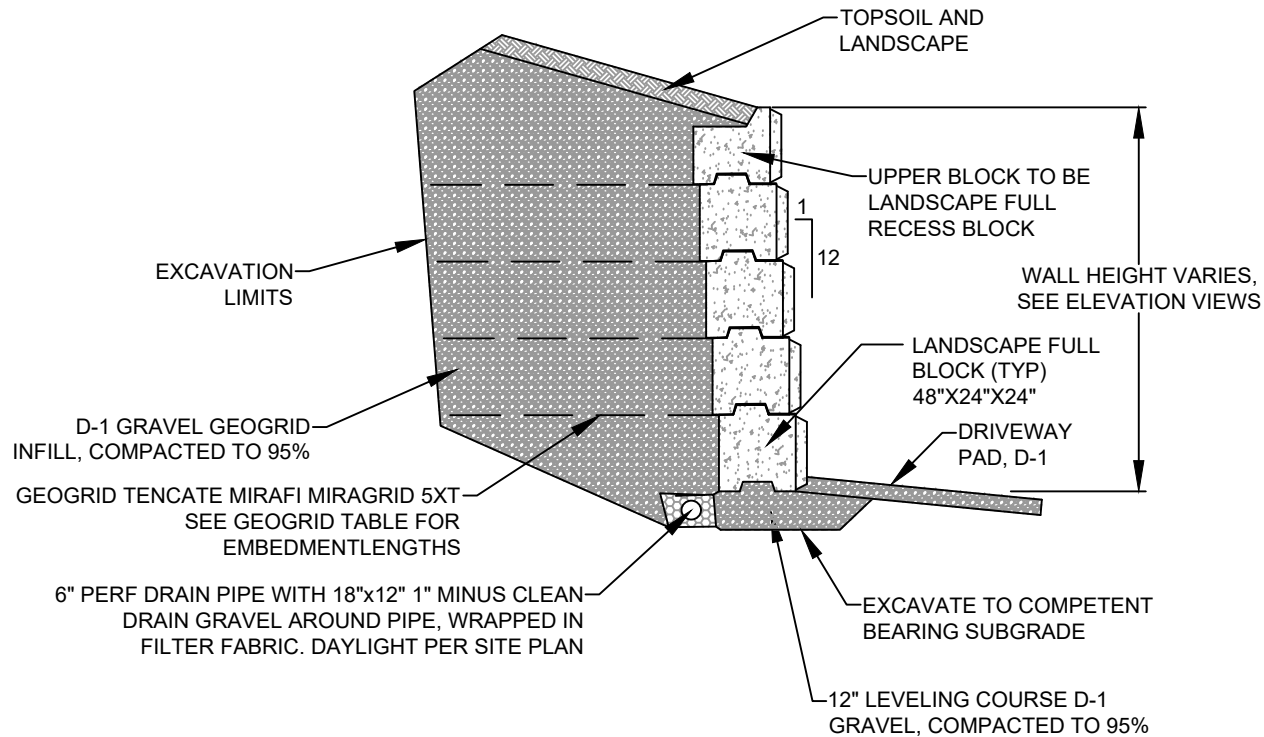
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Retaining Wall #2
Plan & Elevation

DRAWN:
12/11/20
SHEET #
6/15

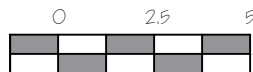
Attachment A - Application Packet



WALL STANDARD DETAIL

GEOGRID TABLE

# OF BLOCKS HIGH	TOTAL GEOGRID LENGTH	GEOGRID EMBEDMENT LENGTH
5	8	6
4	7	5
3	6	4
2 OR LESS	NO GEOGRID	



SCALE: 1" = 5'
SCALE BASED ON LETTER SIZE PLOT

NOTES:

- 1) INSTALL BLOCKS PER INSTALLATION GUIDELINES GIVEN IN 'WORLD BLOCK INSTALLATION AND ENGINEERING MANUAL' DOCUMENT. AVAILABLE AT <https://www.worldblock.com/world-block-installation-and-engineering-manual.html>
- 2) PURCHASE OFFSET BLOCKS FOR EAST/WEST SEGMENTS SO AS TO ACCOMMODATE FOR 2" STEPBACK PER COURSE



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

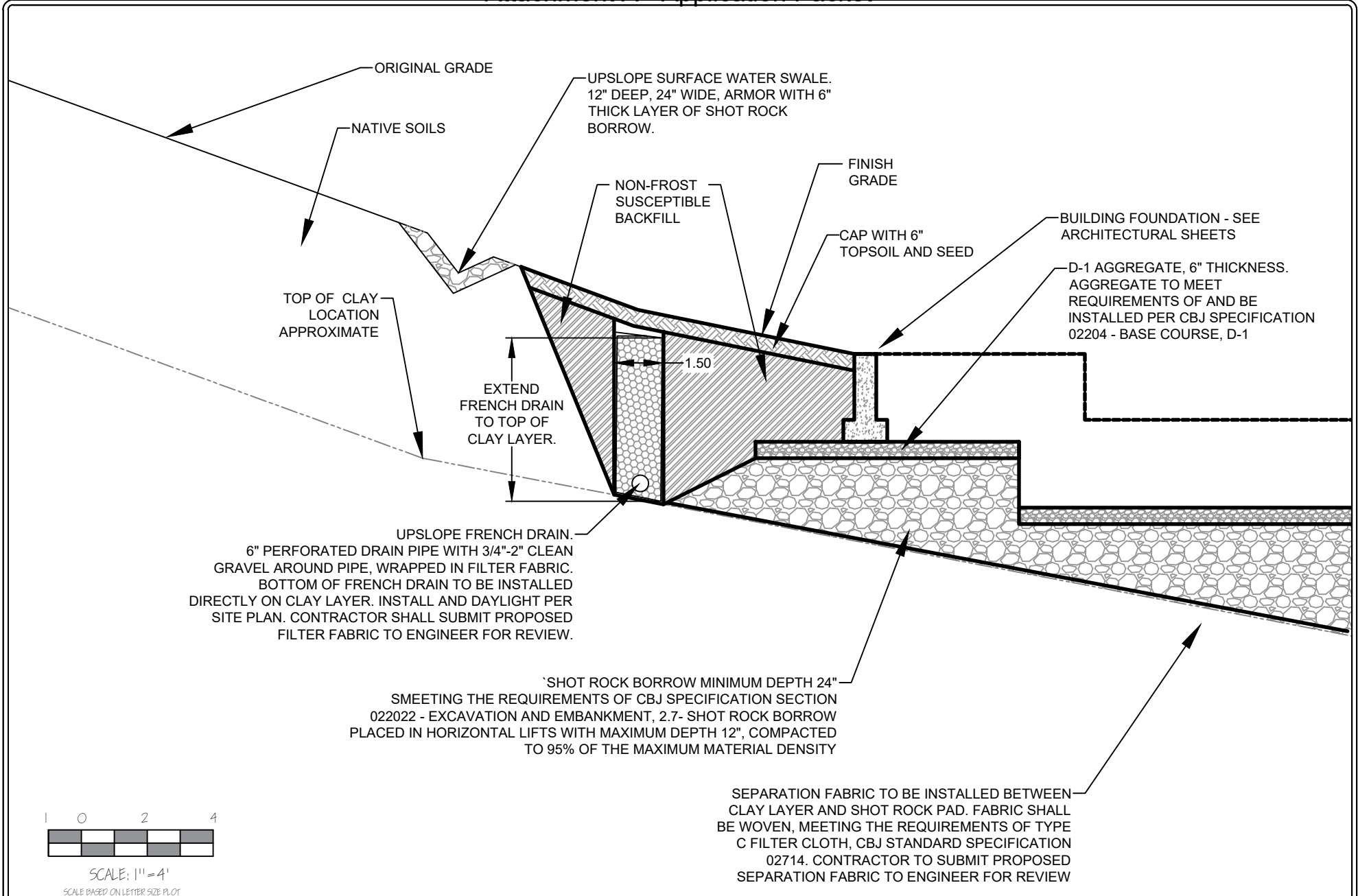
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Retaining Wall
Details

DRAWN:
8/23/20
SHEET #
7/15

Attachment A - Application Packet



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

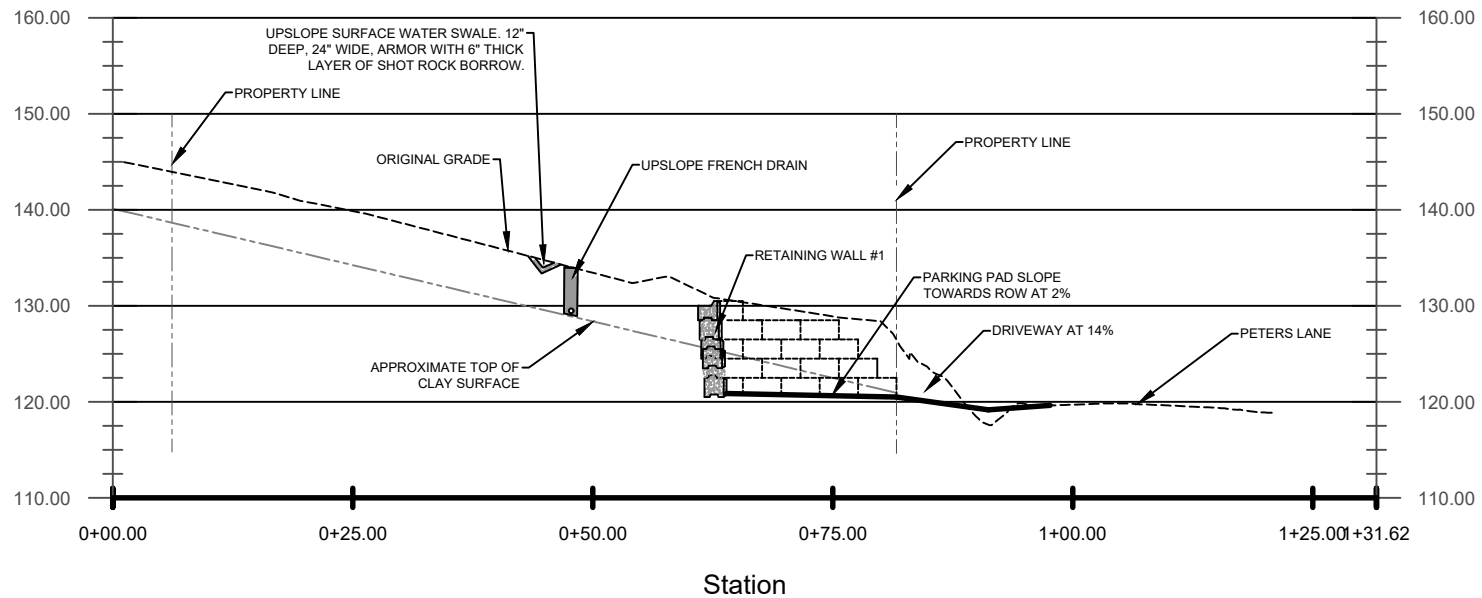
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Foundation Pad
Details

DRAWN:
8/23/20
SHEET #
8/15

Attachment A - Application Packet



Section A- A

5 0 10 20



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

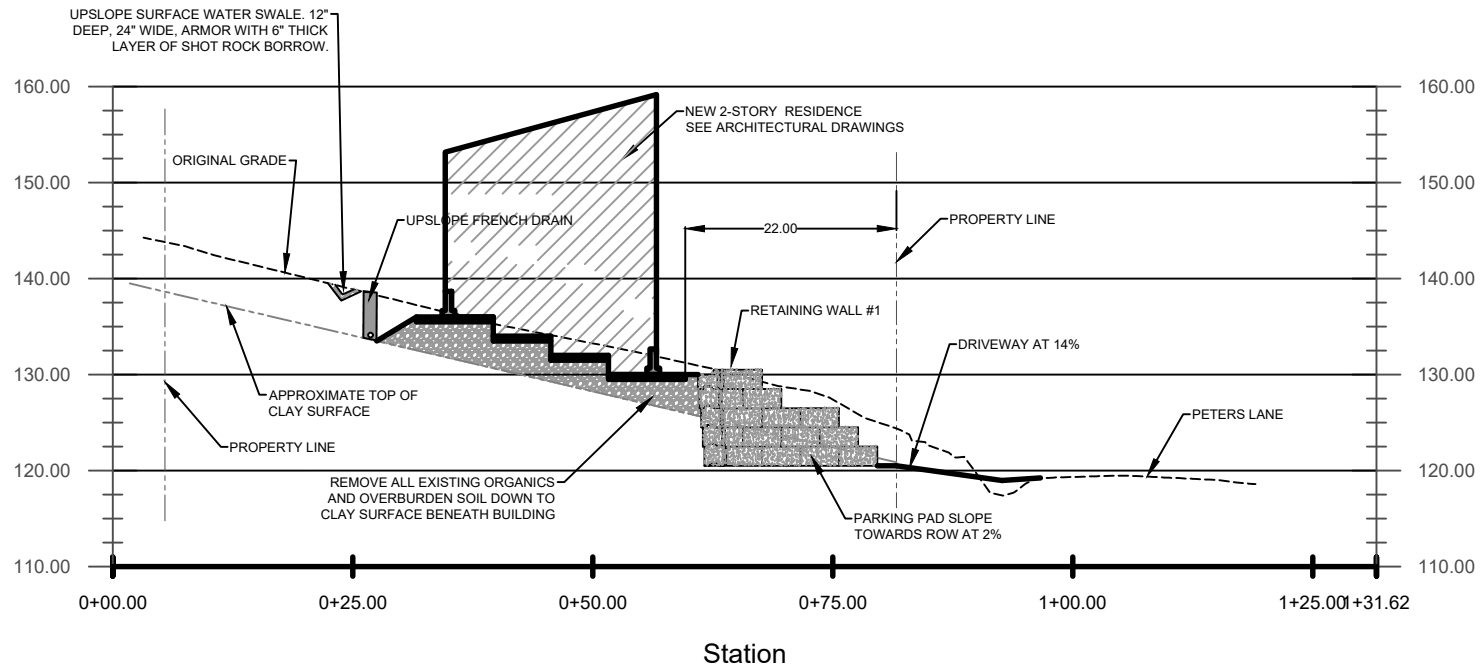
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

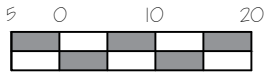
Section A-A

DRAWN:
12/11/20
SHEET #
9/15

Attachment A - Application Packet



Section B-B



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

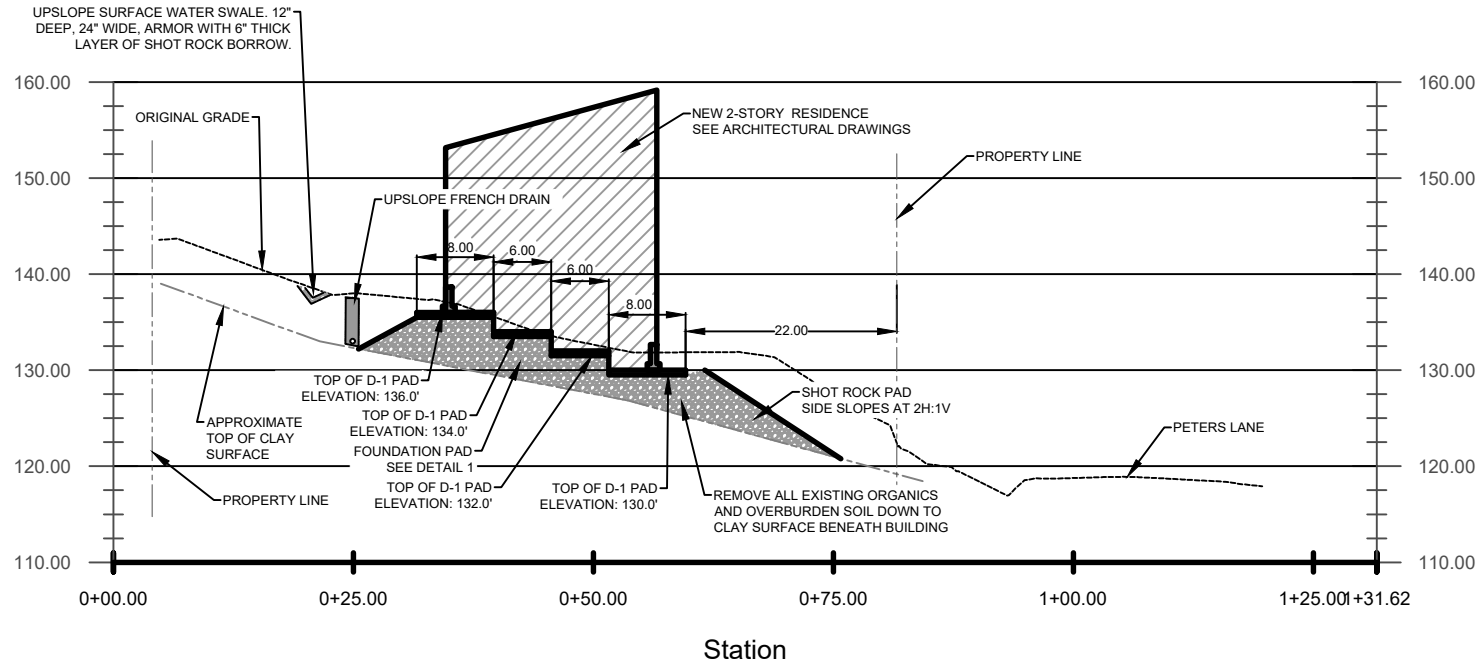
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Section B-B

DRAWN:
12/11/20
SHEET #
10/15

Attachment A - Application Packet



Section C-C

5 0 10 20



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

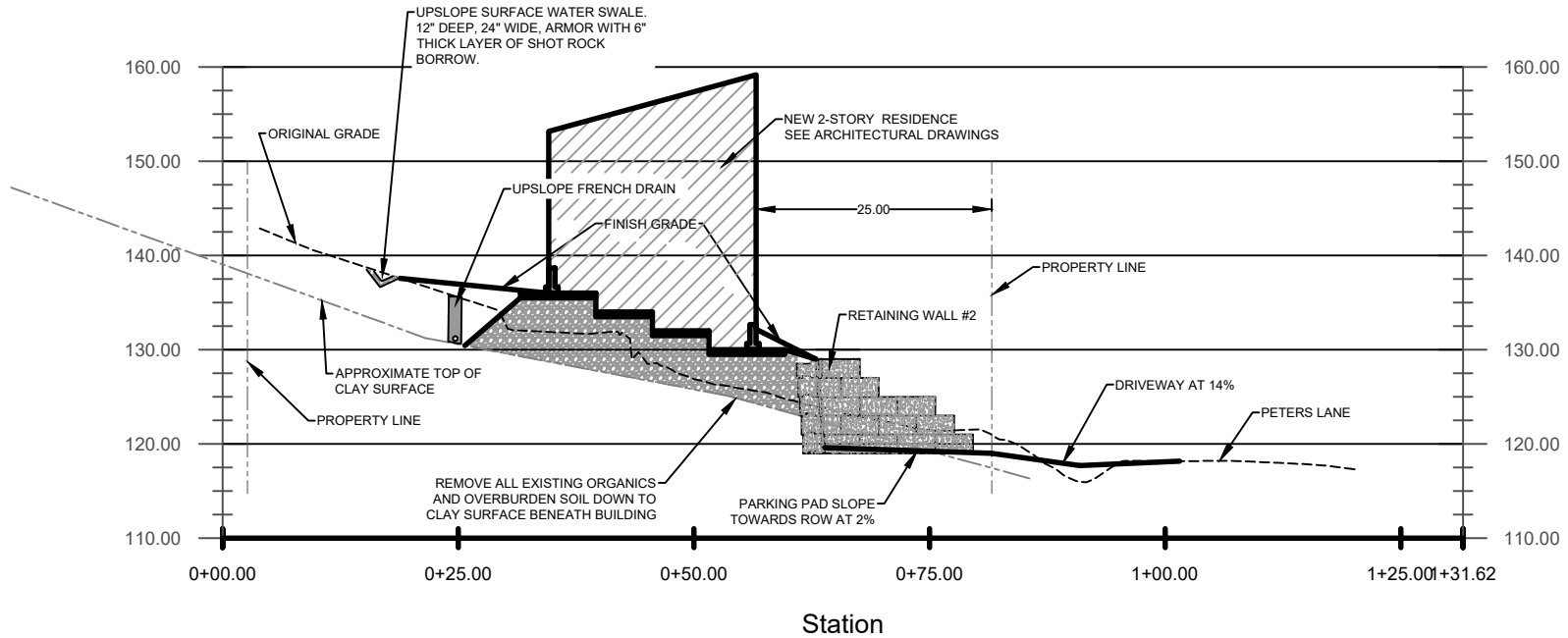
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

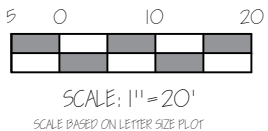
Section C-C

DRAWN:
12/11/20
SHEET #
11/15

Attachment A - Application Packet



Section D-D



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

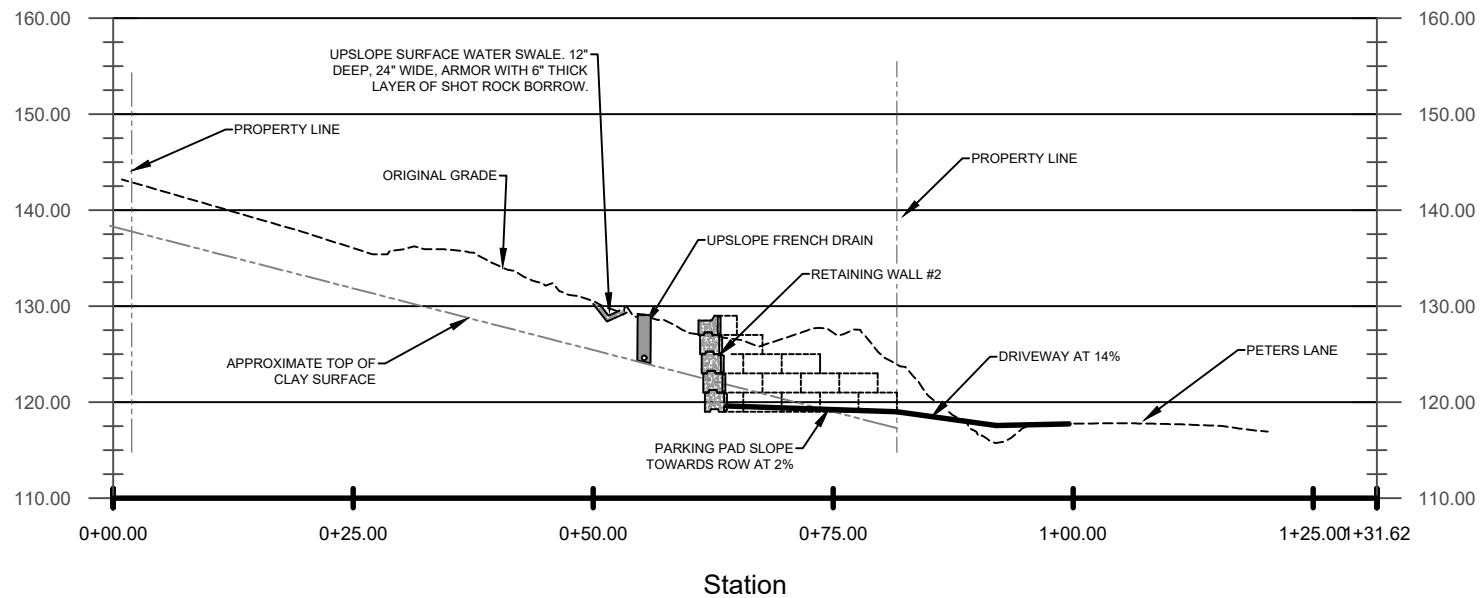
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Section D-D

DRAWN:
12/11/20
SHEET #
12/15

Attachment A - Application Packet



Section E- E

5 0 10 20



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

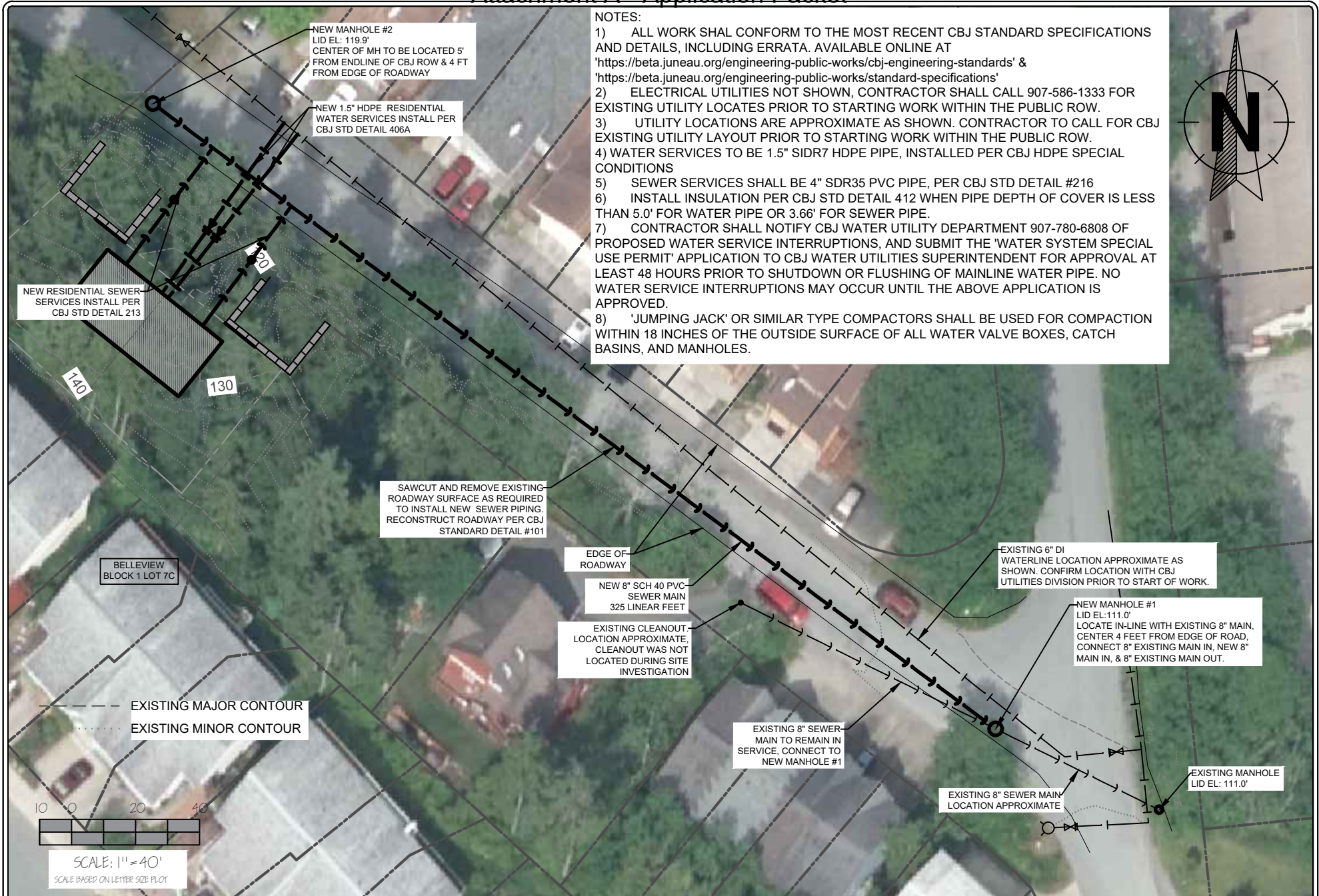
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Section E-E

DRAWN:
12/11/20
SHEET #
13/15

Attachment A - Application Packet



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

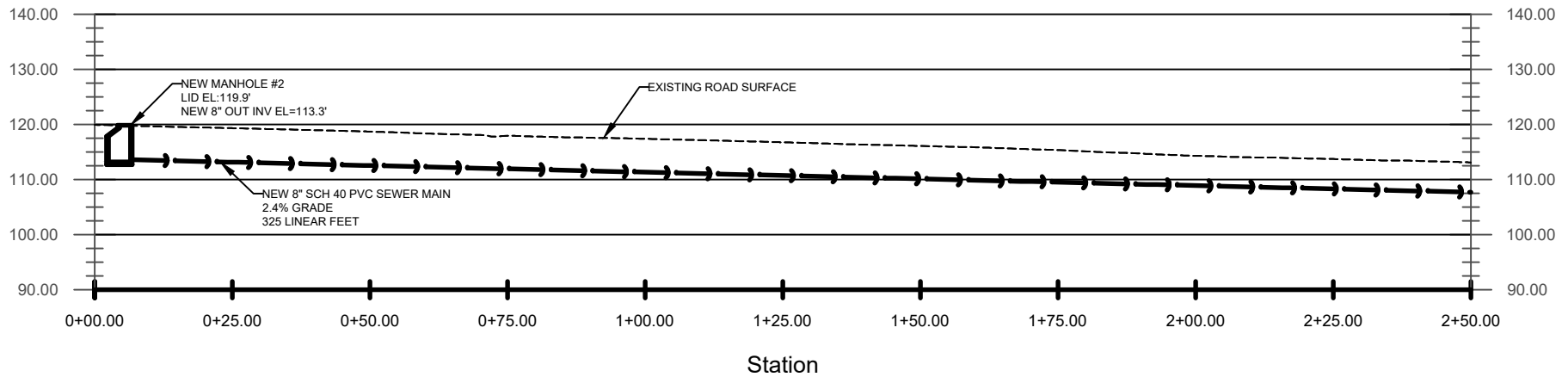
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

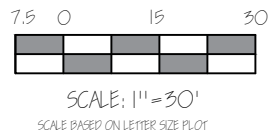
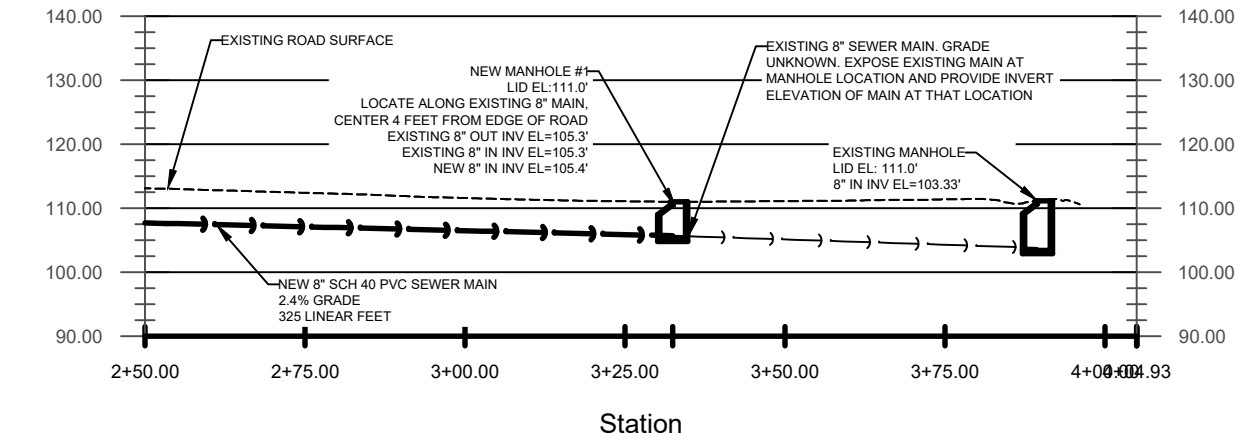
Utility Plan

DRAWN:
9/1/20
SHEET #
14/15

Attachment A - Application Packet



Section Sewer



Section Sewer



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Sewer Profile

DRAWN:
9/1/20
SHEET #
15/15

#3. Narrative. Project Description:

A detailed letter or narrative describing the hardship that is the result of an unusual situation or physical feature affecting a specific parcel of land or structure. Also include how the proposed project meets the variance criteria listed on the attached sheet.

- Why the Variance is the most feasible option in order to develop the land.
- Why meeting the standard is not possible for the proposed use.

Subject parcel ID: 1D050L140050.

To allow for a minor common-wall subdivision of the subject parcel, the applicant is requesting variance for a minimum lot depth requirement, which per Table of Dimensional Standards 49.25.400, should be 80'.

The subject parcel's depth on south side, 81.31', meets the minimum lot depth requirement for the D-18 district common-wall subdivision.

Depth in the mid-area of the parcel is 77.58', whereas the parcel's depth on north side is 75'.

The subject lot area is 7,900 sq ft, while minimum lot area in the D-18 district is 2,500 sq ft.

(B) The unusual or special conditions of the property are not caused by the person seeking the variance.

The subject parcel features unusual and specials conditions which are explained below.

The parcel is categorized by an extremely high development cost due to:

1. Absence of the sewer service to the lot.

To construct a new residential dwelling on the lot, the owner/developer would be required to bring the sewer services to the lot. Per the CBJ Engineering, the sewer main installation costs will be responsibility of the developer.

A proposed engineered plan for extending a sewer main to the subject lot has been produced.

According to one of the lower bids by Howell Excavation LLC, the cost of sewer main installation to the lot, creates an additional cost to the developer of at least \$60,000.

2. Hillside Endorsement is required for the subject lot.

Per Hillside Endorsement requirement to develop the subject parcel, an engineered site plan, grading plan and drainage plan will be required when a developer applies for a building permit.

The engineered site plan, drainage plan and grading plans have been produced by an Alaska-licensed engineer. Consistent with civil engineer-recommended specifications, pre-construction site preparation costs for the subject lot result in a much higher than what's considered traditional and normal site preparation costs in Juneau.

One bid only for a pre-construction site preparation work, by Arete Construction, resulted in a dollar figure that is twice as high as the parcel's tax assessed value.

A) *Enforcement of the ordinance would create an undue hardship resulting from unusual or special conditions of the property.*

The two factors stated above already create unusually high cost, which results in a hardship to the lot owner for developing the subject parcel.

It is important to note, during the last several years, the subject lot changed several owners, who all chose to rather sell the lot because they were confronted with the same challenges - high cost of bringing sewer services to the lot and high site preparation cost.

These were the reasons which precluded previous owners of the subject parcel from building on it.

An appraised value of a newly built dwelling would not justify the high cost of:

- a. the site preparation work to comply with the Hillside Endorsement process.
- b. high cost of installing sewer services to the lot.

According to a professional opinion of a Juneau realtor, a resale value of the proposed newly built duplex on the subject lot will be as follows:

I. A newly built single-owner duplex on a subject parcel without the subdivision, - \$600,000.

Under this option, a cost of bringing utilities to the lot, site preparation work, architectural and engineering fees, construction cost combined with the cost of purchasing the parcel will result in a higher than \$600,000 cost. This option is not a *financially viable option* for the developer because the appraised value of the single-owner duplex built on the subject lot ends up being lower than overall construction costs involved in this project.

II. Another option that was proposed by the CBJ Community Development was to create a two-unit condominium association without parcel's subdivision. The idea is to create two individual condo units, that could be sold individually and owned separately by independent owners.

This option does not create a noticeable increase in the appraised value of the duplex-to be built, if compared with the Option I. The condominium route, however, does create an additional expense to the developer with an estimated \$20,000 of legal and attorney fees, as well as costs associated with managing the Condo Association.

Yet, an appraised market value for the two resulting condo units does not justify particularly high development and construction costs, as well as legal fees involved in creating a Condo Association. This makes the creating a "condominium" option not *commercially viable* for the developer.

III. With a minor common-wall subdivision option of the subject D-18 parcel approved per Code 49.65.710, a newly built duplex will result in creation of two separate residential units.

Overall, development plus construction cost of the proposed new duplex building remain to be unusually high. However, an appraised value of the two resulting individual townhome units (each half of the duplex) is substantially higher under this option.

Per realtor's assessment, the resale value of each side of the duplex under this option, will be around \$360,000 for each independent unit, making a combined project resale value around \$720,000 for both units. This is the only financially viable option for the developer.

(C) The grant of the variance is no detrimental to public health, safety or welfare.

A proposed common-wall subdivision of the subject parcel does not create any detriment to public health, safety or welfare.

1. The subject lot is surrounded by common-wall townhome units situated on individual lots. Majority of housing units in the immediate neighborhood (Peters Ln and Simpson Ave), are townhome-style units created through a common-wall subdivision process in the D-18 district. For majority of these housing units tax assessed value is just under \$300,000.
2. Approval of the requested variance to allow subdivision does not result in a higher density of units per acre.
3. A bordering parcel (**ID: 1D050L140062, 2961 Simpson Ave**) on west-side of the subject lot, features a common-wall townhome unit. It is noteworthy, three bordering lots to the west side of the subject parcel, became a product of subdivision of the bigger 7,532 sq ft. lot. A parent lot was subdivided into three parcels via a common-wall subdivision process for D-18 district, while each of newly created lots resulted in around 2,500 sq ft. area.
Depth of parcel **ID: 1D050L140062**, on north side of the lot, is 72.59 feet, which is a few feet under a minimum lot depth required for the D-18 district, while this parcel's area is 2,527 sq. ft.
4. The subject lot area is 7,900 sq ft, while minimum lot area in the D-18 district is 2,500 sq ft. With grant of variance and approval of the proposed common-wall subdivision for the subject lot, area of each of the two resulting lots, will be approximately 3,950 sq ft. This area of each newly created lot is still about 58% higher if compared to a minimum lot area of 2,500 sq ft in the D-18 district.
5. A proposed common-wall subdivision of the subject parcel into two separate lots will be a more suitable fit for this particular D-18-zoned neighborhood and for its existing housing pattern. If each resulting duplex-half together with a land parcel under this half was owned separately, this would create a higher assessed property value for the owner, as well as for the City. Put differently, CBJ property tax will be assessed based on an overall higher value of each individual unit, creating a benefit for the City.

In contrary, a single owner duplex within a D-18 neighborhood, with its' \$600,000 price range, situated on a 7,900 sq ft will be more of an outcast in this neighborhood.

(D) The grant of the variance is narrowly tailored to relieve the hardship.

Project Background: Subject parcel ID: 1D050L140050.

A pre-application conference for the subdivision of the subject parcel was conducted on 07/08/2020. During the pre-application conference, the developer was led to believe, the common-wall subdivision was a viable option for the subject D-18 lot. Pre-application conference notes, PAC20200043, served as reassurance to the developer that the subject lot was meeting criteria for minor common-wall subdivision of the subject parcel.

Relying on the information received during and after the pre-application conference, the lot owner proceeded with contracting an Alaska-licensed architect to produce architectural plans for a common-wall duplex building.

To comply with the CBJ recommendations which were provided following the Pre-Application Conference in the Notes PAC20200043, the developer also contracted with a civil engineer who produced an engineered design of the water/sewer connection to the parcel. A civil engineer also produced a site plan, grading plan, drainage report which were all required consistent with the pre-application conference notes.

The developer diligently took these necessary steps, while incurring significant costs in architectural and civil engineering fees (\$19,000) to fulfill requirements for obtaining a building permit, as was recommended in the PAC20200043.

The developer was informed, the subject lot would be suitable for a construction of a single owner triplex on the parcel. Yet, the triplex option is not financially feasible for the developer, because it triggers a need for a new architectural and structural-engineered design, as well as it would require a revision of already created civil engineered site plan, grading plan and drainage plan for the lot.



NOTES:

1) THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:10000.

2) ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.

3) RECORD INFORMATION DERIVED FROM THE OFFICIAL PLAT OF US SURVEY 472, DATED 12 MARCH 1917; US SURVEY 1956, DATED 27 JANUARY, 1931; US MINERAL SURVEY 262 DATED 24 NOVEMBER 1896; BELLEVUE SUBDIVISION PLAT 472 DATED OCTOBER 29 1963; LOT 6 BLOCK 1 BELLEVUE SUBDIVISION PLAT 96-52 DATED 23 AUGUST 1996; LOT 7A, BLOCK 1 BELLEVUE SUBDIVISION PLAT 96-38 DATED 31 MAY 1996; TREADWELL TOWNHOUSE SUBDIVISION PLAT 81-79 DATED 6 NOVEMBER 1981; PLAT OF LOTS 7 & 8, BLOCK 1 BELLEVUE SUBDIVISION PLAT 96-21 DATED 16 SEPTEMBER 1996; ON FILE WITH ALASKA DEPARTMENT OF NATURAL RESOURCES RECORDER'S OFFICE JUNEAU RECORDING DISTRICT.

4) WHERE DIFFERENT FORM MEASURED OR CALCULATED RECORD DIMENSIONS ARE SHOWN IN PARENTHESES.

5) DOMESTIC WATER & SANITARY SEWER PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.

6) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF S 51°15'30" E BETWEEN FOUND 2" J.W. BEAN ALUMINUM CAP ON 5/8" REBARS, DELINEATING THE NORTHERLY CORNERS OF LOT 5, DATE OF ESTABLISHMENT UNKNOWN. NO RECORD OF SURVEY OR MONUMENT RECORDS LOCATED WITHIN THE JUNEAU RECORDING DISTRICT, ANCHORAGE, ALASKA.

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: _____, 2020

Packet Page 121 of 193

OWNER NATALIA GOLOVATUIK

NOTARY ACKNOWLEDGEMENT

UNITED STATES OF AMERICA

STATE OF ALASKA

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2020, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED NATALIA GOLOVATUIK TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:

SURVEYOR'S CERTIFICATE

I, JOSHUA IVANISZEK, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: _____, 2020

CERTIFICATE OF PLAT APPROVAL

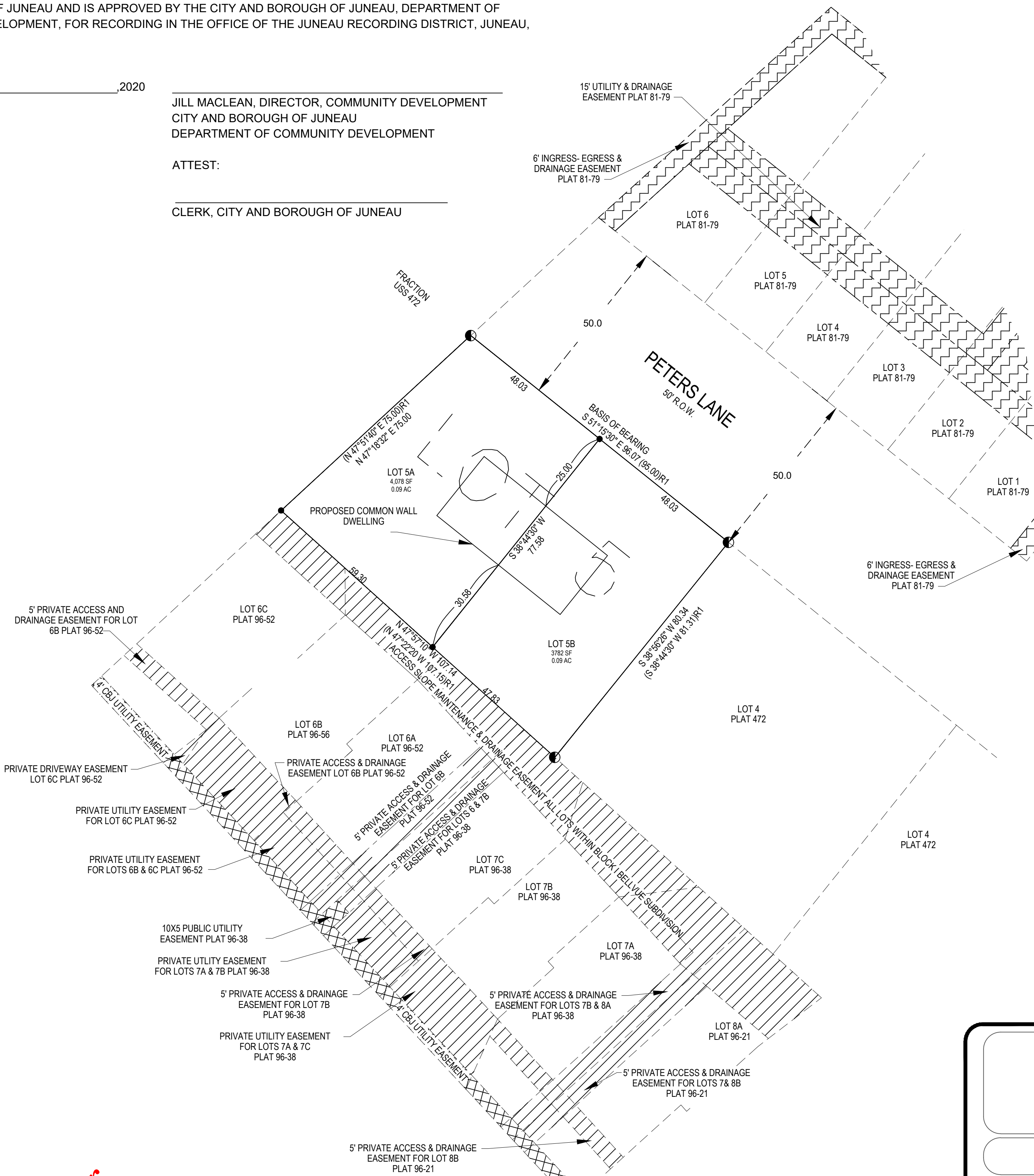
I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED _____, 2020

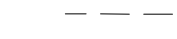
JILL MACLEAN, DIRECTOR, COMMUNITY DEVELOPMENT
CITY AND BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:

CLERK, CITY AND BOROUGH OF JUNEAU



LEGEND:

-  3650-S SECONDARY MONUMENT RECOVERED
 12314-S SECONDARY MONUMENT SET
 PROPERTY LINES
 UNSURVEYED LINES
 EXISTING PUBLIC UTILITY EASEMENTS
 EXISTING PRIVATE ACCESS & UTILITY EASEMENTS
 EXISTING EASEMENTS PLAT 81-79
(N 45°11' W)R1 RECORD INFORMATION FROM PLAT 472
(N45°04'15" W)R2 RECORD INFORMATION FROM PLAT No. 84-110

TYPICAL SET MONUMENT DETAIL

N.T.S



36" 5/8" REBAR WITH RED PLASTIC CAP
STAMPED AS SHOWN

 $1''=20$ 

PLAT OF
LOT 5 A & LOT 5 B
 A SUBDIVISION OF
LOT 5 BLOCK I BELLEVIEW SUBDIVISION
 WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA
 JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT ANCHORAGE

CHILKAT SURVEYING & MAPPING, LLC
10654 PORTER LANE JUNEAU, ALASKA 99801
907-957-1908 LIC

OWNERS
NATALIA GOLOVATIUK
7602 LUMBIS AVE UNIT 4, ANCHORAGE, ALASKA 99518

SCALE:
1" = 20'

DATE:
30 SEPTEMBER 2020

SHEET NO.
1 OF 1



SPECIAL INSPECTION PROPOSAL FORM

Note: This form must be completed by the Owner or Architect/Engineer of Record and approved by the Building Official prior to issuance of a Building Permit. The qualified individual special inspector must be identified along with their firm.
Special Inspector may not be employed by the Contractor or anyone responsible for the construction work.

PROJECT Subdivision of Lot 5 Block 1 Bellevue Sub

PERMIT APPLICATION NO.:

OWNER Natalia Golovatiuk

DATE: 12/11/20

PROPOSED SPECIAL INSPECTOR Firm: Katabatic Engineering and Individual: Gabe Hayden

(Please fill out one of these forms for each Special Inspector on this project. Attach proposed inspector's qualifications.)

PROPOSED TESTING AGENCIES

(Specify which category they are testing.)

The use of a special inspector does not negate the need to call for and have all normal required CBJ inspections inspected and approved by CBJ Inspectors. Report requirements shall comply with the 2006 IBC Section 1704.1.2

TYPES OF INSPECTIONS REQUIRED:

Check each type of inspection required by Architect/Engineer of Record as indicated on the approved building plans and specifications.

☐

1. CONCRETE

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

☐

2. BOLTS INSTALLED IN CONCRETE

Inspection Scope & Schedule* _____

☐

3. SPECIAL MOMENT - RESISTING CONCRETE FRAME

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

☐

4. REINFORCING STEEL AND PRESTRESSED STEEL TENDONS

Inspection Scope & Schedule* _____

Method of Testing _____

5. WELDING

☐

A. SPECIAL MOMENT - RESISTING STEEL FRAMES

Inspection Scope & Schedule* _____

Type of non-destructive testing _____

Frequency of Tests _____

☐

B. STRUCTURAL WELDING INCLUDING REINFORCING STEEL

Inspection Scope & Schedule* _____

Type of non-destructive testing _____

Frequency of Tests _____

☐

6. HIGH-STRENGTH BOLTING

Inspection Scope & Schedule* _____

Method of Testing _____

Frequency of Testing _____

☐

7. STRUCTURAL MASONRY

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

☐

8. REINFORCED GYPSUM CONCRETE

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

OVER →

**9. INSULATING CONCRETE FILL**

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

**10. SPRAYED-ON FIREPROOFING**

Inspection Scope & Schedule* _____

Method of Inspection _____

Frequency of Sampling Materials _____

Frequency of Testing _____

**11. PILING, DRILLED PIERS AND CAISSONS**

Inspection Scope & Schedule* _____

Method of Inspection _____

**12. SHOTCRETE**

Inspection Scope & Schedule* _____

Method of Inspection _____

Frequency of Sampling Materials _____

Frequency of Testing _____

**13. SPECIAL GRADING, EXCAVATION AND FILLING**

Inspection Scope & Schedule* _____

The engineered slopes and wall shall be constructed in accordance with the approved plan, applicable CBJ codes and shall be stable and not create a hazard to public or private property. Submit a letter from an Alaskan licensed engineer to the CBJ General Engineering Division stating the work has been inspected and completed in accordance with the design, is stabilized, and capable of withstanding the forces for which it was designed. The letter must include the engineer's professional stamp with signature.

**14B. SPECIAL CASES****TYPE:** _____

Inspection Scope & Schedule* _____

Method of Inspection _____

Other _____

**14C. SPECIAL CASES****TYPE:** _____

Inspection Scope & Schedule* _____

Method of Inspection _____

Other _____

SPECIAL INSPECTOR CERTIFICATION:

I hereby certify that I am qualified to perform the special inspection items marked above, that I will perform the special inspections at the appropriate times scheduled by the contractor and that I will submit weekly and final reports.

Special Inspector: _____*Gabriel Hayden***Date:** _____

12/11/20

OWNER CERTIFICATION: (May be signed by Architect /Engineer of Record on Owner's behalf.)

I hereby certify that I will employ the aforementioned Special Inspector to perform the inspections shown above.

Owner: _____**Date:** _____**BUILDING OFFICIAL'S APPROVAL OF PROPOSAL OF SPECIAL INSPECTION:****Building Official:** _____**Date:** _____**Note:**

Special Inspection weekly reports must be submitted to the owner and to the Building Official within 5 working days of the last day of the week being reported to avoid Suspension of the Building Permit and possible Stop Work Order.

A monthly summary letter is required for overall status including any outstanding items that require followup. The final special inspection approval letter(s) must be submitted before use or occupancy. Any variation to the special inspection proposal requires prior approval of the Building Official.

* (extent of work inspected; continuous or periodic, frequency)



SUBDIVISION AND DEVELOPMENT PLAN APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

Subject Lot: Lot 5 Block 1 Belleview Subdivision, Peters Ln, Douglas, AK. Parcel ID: 1D050L140050. Current zoning: D-18. Area of the subject lot: 7,900 sq ft Applicant is requesting a minor "zero-lot-line" subdivision of the subject lot to create two parcels.

Number of Existing Parcels 1 Total Land Area 7,900 Number of Resulting Parcels 2

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

☐ NO ☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR DEVELOPMENT

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
- ☐ Final Plat (MIF)
- ☐ Panhandle Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation (SLC)
- ☐ Bungalow Lot Subdivision
- ☒ Common Wall/Zero Lot Subdivision
- ☐ Other _____

MAJOR DEVELOPMENT

(changing or creating 14 or more lots)

- ☐ Preliminary Plat (SMP)
- ☐ Final Plat (SMF)
- ☐ Preliminary Development Plan – PUD (PDP)
- ☐ Final Development Plan – PUD (PDF) Preliminary
- ☐ Development Plan – ARS (ARP) Final
- ☐ Development Plan – ARS (ARF)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☒ Pre-application conference notes
- ☒ Narrative including:
 - ☒ Legal description(s) of property to be subdivided
 - ☒ Existing structures on the land
 - ☒ Zoning district
 - ☒ Density
 - ☒ Access
 - ☒ Current and proposed use of any structures
 - ☒ Utilities available
 - ☒ Unique characteristics of the land or structure(s)

☒ Preliminary Plat checklist

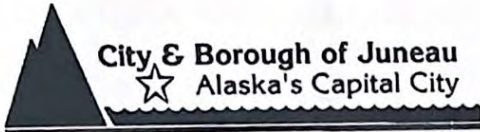
-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

For assistance filling out this form, contact the Permit Center at 586-0770.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received



Community Development & Engineering Departments
 Mail: 155 South Seward Street
 Juneau, Alaska 99801
 Telephone: 586-0770 FAX: 586-3365

JUNEAU PERMIT CENTER, 4TH FLOOR MARINE VIEW CENTER, 230 South Franklin Street

Water Line Information

To be provided for any new building, addition, or remodel with added plumbing fixtures

1. **NEW FIXTURES:** List the number of each type of fixture that is new to this building.
 (Where no fixtures were before—this does not include fixtures being replaced.)

No. of Fixtures		No. of Fixtures	
WFU		WFU	
1	Bathtub (w/ or w/o showerhead)	1	Dishwasher
0	Bathtub with 3/4" valve	1	Clothes washer hook-up
0	Bidet	0	Bar Sink
3	Lavatory (bathroom sink)	1	Kitchen Sink
1	Shower	0	Laundry Sink
3	Toilet	1	Hose Bibb (for hose connection)
0	Urinal		

STAFF USE Total Additional WFU:	
--	--

2. **EXISTING FIXTURES:** List the number of each type of existing fixture in the building.
 (Fixtures to be left unchanged or replaced.)

No. of Fixtures		No. of Fixtures	
WFU		WFU	
	Bathtub (w/ or w/o showerhead)		Dishwasher
	Bathtub with 3/4" valve		Clothes washer hook-up
	Bidet		Bar Sink
	Lavatory (bathroom sink)		Kitchen Sink
	Shower		Laundry Sink
	Toilet		Hose Bibb (for hose connection)
	Urinal		

STAFF USE Total Existing WFU:	
STAFF USE Grand Total WFU:	
STAFF USE Appendix C Total WFU:	

3. What is the **size** of the incoming water street service line? (pipe size from city main to curb-stop at property line.) TBD by City Engineering Dept. Inches
4. What is the **size** of the building service line? (pipe size from curb-stop entering the building.) N/A Inches
5. What is the **distance** from the water shutoff box at the property line or well pump to the farthest plumbing fixture fed by this water service? N/A Feet
6. If known, what is the water **pressure** at the house, or low water pressure setting on the well pump? N/A PSI
7. What is the **height** measured vertically (above + or below -) of the highest fixture (new or existing) measured from the street level at the water shutoff box or well pump? 33 Feet

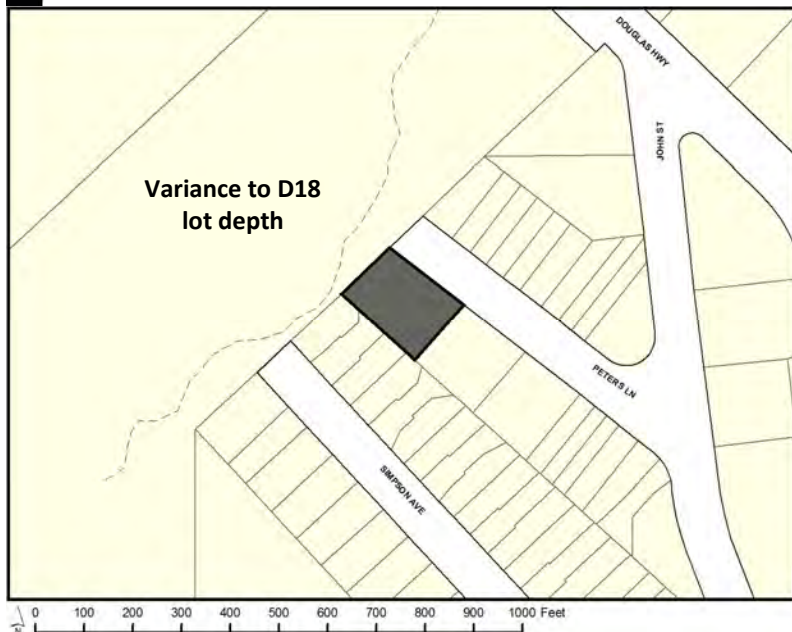
STAFF USE Hydrant PSI:		STAFF USE PSI Adjustment:		STAFF USE Total PSI:	
-------------------------------	--	----------------------------------	--	-----------------------------	--



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **variance to D18 lot depth from 80 to 78.2 feet for the purposes of a common wall subdivision at Peters Lane in a D18 zone.**



TIMELINE

Staff Report expected to be posted **Monday, April 5, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through March 22

Comments received during this period will be sent to the Planner, **Beth McKibben**, to be included as an attachment in the staff report.

Mar. 23 — noon, Apr. 12

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, April 13, 2020

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/95201900876>. The Webinar ID is: 952 0190 0876. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

April 14

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed March 9, 2021

Case No.: VAR2021 0001
Parcel No.: 1D050L140050
CBJ Parcel Viewer: <http://epv.juneau.org>



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Fire Marshal Daniel Jager, Capital City Fire Rescue

STAFF PERSON/TITLE: Beth McKibben, Senior Planner

DATE: March 8, 2021

APPLICANT: Natalia Golovatiuk

TYPE OF APPLICATION: variance to minimum lot depth

PROJECT DESCRIPTION:

Applicant seeks a variance to the required minimum lot depth in the D15 zoning district. If approved the applicant would subdivide the lot into two common wall lots.

LEGAL DESCRIPTION: Belleview Block I Lot 5

PARCEL NUMBER(S): 1D050L140050

PHYSICAL ADDRESS: no number Peters Lane Douglas

SPECIFIC QUESTIONS FROM PLANNER:**AGENCY COMMENTS:**

This project, as proposed, on the lots identified does not bring up any fire code or fire department concerns. Any public concerns regarding fire or emergency apparatus access is going to be a longer term challenge that will most likely require other agency review and comment than just the fire code. As long as there is at least a 20 foot wide drivable surface, not necessarily paved, then emergency apparatus can drive down Peters Lane. the 20 foot width does not have to be continuous as on street parking may be intermittent and not necessarily solid along one or both sides of the street.

The application in question is for Lot 5 to be allowed to subdivide and have two common wall lots. This project does not cross a threshold where additional fire or emergency apparatus access requirements would come into review at this time. Any concerns regarding access should be addressed in a different format and again, with other agency stakeholders.

AGENCY COMMENTS (CONTINUED):



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: PW/Eng
STAFF PERSON/TITLE: Ed Foster, Ops Superintendent II
DATE: March 8, 2021
APPLICANT: Natalia Golovatiuk
TYPE OF APPLICATION: variance to minimum lot depth

PROJECT DESCRIPTION:

Applicant seeks a variance to the required minimum lot depth in the D15 zoning district. If approved the applicant would subdivide the lot into two common wall lots.

LEGAL DESCRIPTION: Bellevue Block I Lot 5
PARCEL NUMBER(S): 1D050L140050
PHYSICAL ADDRESS: no number Peters Lane Douglas

SPECIFIC QUESTIONS FROM PLANNER:**AGENCY COMMENTS:**

Street Maintenance has no issues with this request for variance, providing the developer installs driveways in accordance with CBJ Standards.

The concerns voiced by neighboring residents were based on a flooding event caused during a 100 years storm. At which time we experienced major water shed through a drainage ditch just North of this property. That water shed caused a minor land slide that plugged the culvert running under Peters Lane and redirected the water to flow down Peters Lane ditch towards John St.. Recently before this storm the developer of this property had installed a non-permitted driveway with an under sized culvert. That culvert also plugged from debris washing down the hill and caused water to flow over Peters Lane into the homes across the street. Not to say this will never happen again, but properly sized and properly installed culverts will help prevent it.

Peters Lane is signed "No Parking Anytime" on the up hill side and "No Parking Nov thru April" on the down hill side. However the signage isn't obvious so we will be improving on it as soon as weather allows.

AGENCY COMMENTS (CONTINUED):

From: [John Bohan](#)
To: [Autumn Sapp](#); [Beth McKibben](#); [Ed Foster](#)
Subject: RE: Agency Review VAR21-01
Date: Wednesday, March 10, 2021 7:24:31 AM

No concerns from my end.

Thanks

John Bohan, PE

CBJ Chief CIP Engineer

155 S. Seward St

Juneau AK 99801

(907)586-0876 fax 463-2606

From: Autumn Sapp <Autumn.Sapp@juneau.org>
Sent: Wednesday, March 10, 2021 7:12 AM
To: Beth McKibben <Beth.McKibben@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

I think the same response still applies. NA for GE.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>
Sent: Tuesday, March 9, 2021 3:51 PM
To: Autumn Sapp <Autumn.Sapp@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

Correction

The variance is to lot depth (not width).

Thank you.

From: Autumn Sapp <Autumn.Sapp@juneau.org>
Sent: Tuesday, March 9, 2021 2:53 PM
To: Beth McKibben <Beth.McKibben@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>

Subject: RE: Agency Review VAR21-01

Good afternoon,

GE does not have an issue with the reduced width of the properties in question.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>

Sent: Tuesday, March 9, 2021 1:45 PM

To: John Bohan <John.Bohan@juneau.org>; Autumn Sapp <Autumn.Sapp@juneau.org>; Mary Hammond <mary.hammond@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Ed Foster <Ed.Foster@juneau.org>; Dan Jager <Dan.Jager@juneau.org>

Subject: Agency Review VAR21-01

Hello

Attached is an application for a variance to minimum lot width. If approved the applicant would be allowed to subdivide the lot into two common wall lots, each with a single family home. The lot does not meet the minimum lot depth for the D15 zoning district.

Please return your comments by March 16th.

Thank you

Beth McKibben, AICP | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465



Fostering excellence in development for this generation and the next.

From: [Autumn Sapp](#)
To: [Beth McKibben](#); [John Bohan](#); [Ed Foster](#)
Subject: RE: Agency Review VAR21-01
Date: Wednesday, March 10, 2021 7:11:39 AM

I think the same response still applies. NA for GE.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>
Sent: Tuesday, March 9, 2021 3:51 PM
To: Autumn Sapp <Autumn.Sapp@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

Correction

The variance is to lot depth (not width).

Thank you.

From: Autumn Sapp <Autumn.Sapp@juneau.org>
Sent: Tuesday, March 9, 2021 2:53 PM
To: Beth McKibben <Beth.McKibben@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

Good afternoon,

GE does not have an issue with the reduced width of the properties in question.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>

Sent: Tuesday, March 9, 2021 1:45 PM

To: John Bohan <John.Bohan@juneau.org>; Autumn Sapp <Autumn.Sapp@juneau.org>; Mary Hammond <mary.hammond@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Ed Foster <Ed.Foster@juneau.org>; Dan Jager <Dan.Jager@juneau.org>

Subject: Agency Review VAR21-01

Hello

Attached is an application for a variance to minimum lot width. If approved the applicant would be allowed to subdivide the lot into two common wall lots, each with a single family home. The lot does not meet the minimum lot depth for the D15 zoning district.

Please return your comments by March 16th.

Thank you

Beth McKibben, AICP | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465



Fostering excellence in development for this generation and the next.

City and Borough of Juneau

155 S Seward Street

Juneau, Alaska 99801

Re Case Number VAR2021 0001

Parcel 1D959L140050

To whom it may concern

We reside across the street from the proposed development and believe that several situations need to be remedied prior to the approval of the Variance.

While we have only lived here since November, we have seen pictures of the flood that occurred in May of 2020 caused by an unnamed creek coming down the side of the mountain. It appears to us from the drawing that the development is proposed either at the border of this creek or adjacent to the border. Any variance for this parcel should have significant improvement to the drainage of this creek for the 100-year rainfall occurrence.

Our second concern is that this portion of Peters Lane is an unfinished roadway, that would appear to be non-conforming to the density suggested by the development. It is unpaved, poorly drained, and very narrow. When there is parking on this street, I believe that fire trucks or any other emergency vehicle could not get through.

In addition, the slope of the mountain at this location is severe, with the condos above being build on concrete piles. It is unclear to me whether this construction has been approved for severe earthquakes, but the projected development would be in their path.

Parking is a severe issue on this small road, and any approval of any variance should include the requirement for at least one garage and one parking spot completely off the road.

There are no sidewalks on this road, and there should be some accommodation for the handicapped people. It is a heavily used road for dog walkers, and right now is dangerous because people cannot get out of the road safely.

Thank you for considering these serious issues in the review process.

Sincerely

Frank and Nancy Baxter

2814 Peters Lane

Juneau, Alaska 99801

P O Box 240012, Douglas, Alaska 99824

fhbaxter@msn.com

From: Boheme <an1898inn@aol.com>
Sent: Friday, March 19, 2021 4:54 PM
To: PC_Comments
Subject: Peters Lane Variance proposal.

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Beth and Juneau Community Development and planning commission,

I am a resident of Peters Lane and have lived here for the past 20 plus years. I am concerned with the proposed new building on Peters Lane. I understand there is a variance that needs to be considered, and I appreciate having knowledge of this. I have questions about the design of the building and how the construction is being planned and monitored. I had damage in the amount of \$14,000.00 to my home in 2019 because of ill planned non permitted lot clearing in combination with heavy rain that year. I want neighborhood improvements, but I have concerns about my home preservation as I have endured costly damage and repairs that were not covered by insurance. I am in concurrence with the variance that is being requested, and at the same time I would like to see improvement to our neighborhood.

Sincerely,

Ann House

Boheme
907-586-2050
175 S Franklin St
Juneau Alaska 99801

From: [PC_Comments](#)
To: [Beth McKibben](#)
Subject: FW: Comments to Planner Beth McKibben re: Variance request on Peters Lane
Date: Friday, March 19, 2021 10:20:24 AM

Hey Beth,

Here's the email.

Jack Scholz | Administrative Assistant I

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Main Line: 907.586.0715 | Personal Line: 907.586.0736



Fostering excellence in development for this generation and the next.

From: Julie Costello <juneautwins@hotmail.com>
Sent: Friday, March 19, 2021 9:54 AM
To: PC_Comments <PC_Comments@juneau.org>
Cc: Julie Costello <juneautwins@hotmail.com>; Boheme <an1898inn@aol.com>
Subject: FW: Comments to Planner Beth McKibben re: Variance request on Peters Lane

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Sent from [Mail](#) for Windows 10

From: [Julie Costello](#)
Sent: Friday, March 19, 2021 8:50 AM
To: Beth McKibben
Subject: Comments to Planner Beth McKibben re: Variance request on Peters Lane

Hello Beth McKibben and the Juneau Community Development Planning Commission,

Thank you for the opportunity to submit a comment before the upcoming hearing for a variance to D18 lot depth 80 to 78.2 feet for the purposes of a common wall subdivision at Peters Lane in a D18 zone.

I am the townhome and property owner across the street from the proposed variance. I have resided at 2812 Peters Lane for the past 20 years. I have serious concerns about the new construction that is planned on the uphill side of Peters Lane where the building of duplex's are currently being considered. My concerns are that the stability of the hillside supporting the existing condos above the proposed construction site on Simpson Street, supporting ditches, culvert and roadway on Peters Lane are being very well considered. I understand that a variance isn't going to change the building process but I also have previously endured costly home repair (not covered by my homeowners insurance) that was caused by the lack of proper lot prep without permitting and a heavy rainstorm season. I am submitting a series of photos to share with you that were taken October of 2019.

In addition to my house concerns I would like to point out the road conditions on Peters Lane. The road has not been properly repaired since the flood of 2019 and parking on our street is at a minimum. The uphill side of Peters Lane has no parking signage as the Lane should be kept clear for emergency responders, this is the same side of the street where new construction is proposed. I feel the general maintenance of the road, parking, ditches and culvert will be seriously impacted by the new construction and I have concerns how this little street is going to support so much.

I believe the existing homes and property need to be at the forefront of consideration during this process. I personally cannot afford to fix my home out of pocket again. Thank you for your time in reviewing my comments and looking at photos supporting my concerns.

Sincerely,

Julie Costello

2812 Peters Lane
Juneau, AK
99801

Sent from [Mail](#) for Windows 10



Attachment D - Public Comments

Attachment D - Public Comments





Attachment D - Public Comments

Attachment D - Public Comments



Attachment D - Public Comments





Attachment D - Public Comments

Attachment D - Public Comments



Attachment D - Public Comments



Attachment D - Public Comments





Attachment D - Public Comments

Attachment D - Public Comments



Attachment D - Public Comments





(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

NONCONFORMING CERTIFICATE

Date: March 26, 2021
File No.: NCC2021 0017

Natalia Golovatiuk
7602 Lumbis Avenue Unit 4
Anchorage, AK 99518

Proposal: A Nonconforming Certification Review for lot.

Property Address: Peters Lane
Property Legal Description: Bellevue Block I Lot 5
Property Parcel Code No.: 1D050L140050

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated March 26, 2021, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Lots (49.30.260):
 - Lot depth of 78.12 feet

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed.

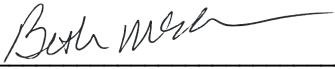
If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

File No.: NCC2021 0017

March 26, 2021

Page 2 of 2

Project Planner:


Beth McKibben, Senior Planner, AICP
Community Development Department
Jill Maclean, Director, AICP
Community Development Department

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Peters Lane Commonwall

Case Number: PAC2020 0043

Applicant: Natalia Golovatiuk

Property Owner: same

Property Address: N/A

Parcel Code Number: 1D050L140050

Site Size: 7,900 square feet

Zoning: D18 (18 DU/acre)

Existing Land Use: Vacant

Conference Date:	July 8, 2020
------------------	--------------

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Natalia Golovatiuk	Applicant	Odessa.club@yahoo.com
Beth McKibben, AICP	Senior Planner	beth.mckibben@juneau.org
Kyle Paw	Permit Tech	Kyle.paw@juneau.org
Autumn Sapp	General Engineering	Atuumn.Sapp@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division

1. **Zoning – D18**
 - a. Minimum lot size of 5,000 square feet; minimum lot size for common wall 2,500 sq. feet; Multifamily (3 units +) 2,420 sq. ft. per unit – this lot max units of 3.2
 - b. Minimum lot width 50 ft.; Minimum lot depth 80 ft. 49.65.750 Dimensional standards for common wall development – min lot width of 20 ft.; Common wall shall extend at least 15 ft. along the common property line.
 - c. 49.25.300.1.910 Common wall development 2 units –allowed use building permit only
 - d. 49.25.300.1.920 Common wall development 3 or more units – 1, 3 – use permit required when more than 9 units. NOTE –this lot is NOT large enough to support more than 3 common wall units.
 - e. 49.65.730 requires all common wall dwellings to be served by individual public water and sewer service.
2. **Setbacks** – Front 20 ft.; Rear 10ft; side 5 ft.; street side 13 ft.; Common wall side yard 5 ft with note 7: zero foot setback for the portion of the dwelling with a common wall, five foot setback or five foot easement for the portion of the dwelling at the common lot line without a common wall, and five foot setback for the remaining side yards of the lot.
 - a. 49.65.755 prohibits architectural features other than roof eaves authorized to project into required yard setbacks by 49.24 article IV may from projecting into required side yards. No architectural features may project into the neighboring lots.
3. **Height** –35 ft. primary structure; 25 ft accessory structures – see attached handout for calculating building height
4. **Access – Peters Lane – local residential**
5. **Parking & Circulation**–Minimum of 2 off street parking spaces per dwelling unit; back out parking is permissible. 49.65.735 Parking and access for common wall developments will apply if commonwall subdivision is pursued. Required parking must be off-street.
6. **Lot Coverage** –50% maximum lot coverage (structures/rooflines)
7. **Vegetative Coverage** – Minimum vegetative cover of 30% Vegetative cover should be shown on site plan
8. **Lighting** – No off site glare
9. **Noise** – No impacts expected from residential use
10. **Flood** – N/A

11. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – Not in mapped hazard area – The majority of the lot has a grade in excess of 18% a hillside endorsement will be required for new development. *A grading and site plan stamped by an Engineer is required. See attached section of code for Hillside Endorsements for the application requirements. Hillside endorsement applies only to any areas where slopes exceed 18% or where new slopes are being created in excess of 18% for the following:*

- a. *Removal of vegetative cover; excavation of any slope in excess of 18%; creation of new slope in excess of 18% for a vertical distance of at least 5 feet;*

As a minor development the hillside endorsement may be reviewed by the Director of CDD. The hillside endorsement will be submitted with the grading permit for site work prior to, or concurrently with the building permit.

Test holes for the purpose of gathering information for the Hillside Endorsement do not require a hillside endorsement. They may require a grading permit.

12. Wetlands – n/a

13. Habitat – None noted. If an active eagle's nest is discovered, contact the US Fish and Wildlife Service.

14. Plat or Covenant Restrictions – none found

15. Traffic – Traffic impact analysis not required, expected average trips per day approximately 10 per unit.

16. Nonconforming situations – None noted

17. Common wall Process 49.65 Article 7

- a. Common wall development (residential) 49.25.300 Table of Permissible Uses 1.920; minor development is Director review, major development is PC review; 8 dwelling units or less in a multifamily district is considered minor development and requires a common wall subdivision (a minor subdivision):

- b. First Step:

- i. Development Permit: submit the sketch plat (site plan) depicting the existing parcels, and the proposed common walls, setbacks, access, parking etc. per 49.65.710

and

- ii. Building Permit: obtain a building permit – a condition will be included that the lots are to be common walls prior to the issuance of any C.O.s

- c. Second Step:

- i. Minor subdivision process creating the common wall lots once the foundations are poured and the exact location of the common wall lot lines are known

Common Wall Development (will be Department Review – minor development)

49.65.710 - Development permits.

Pre-Application Conference Final Report

(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ table of permissible uses.

(1) Department review.

(A) Application submittals. The following submittals are required with an application for department approval:

(i) Building plans that meet the requirements of this chapter and Title 19.

(ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.

(iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) Application review. The application shall be reviewed by the director in accordance with CBJ 49.15.310.

49.65.720 - Common wall subdivision.

(a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 article VII, and the following additional requirements:

*(1) **Preliminary plat.** The following additional items will be submitted with the preliminary plat:*

(A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.

(B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.

(C) Final common wall agreements and/or homeowners' agreements suitable for recording.

*(b) **Final plat.** After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the state recorder's office at Juneau at the applicant's expense, after issuance of final occupancy permits.*

General Engineering/Public Works

18. Engineering –

- a. **Driveway:** Driveway grades in excess of 14% are beyond what is allowed by code. For driveway grades steeper than 14%, the driveway will need to be designed and inspected by an Alaskan licensed civil engineer at cost to the developer.

Pre-Application Conference Final Report

- b. **Easements:** Site plan (plat) shall include all existing (and proposed) easements for drainage, utility lines including plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line. For plats include the width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary.
 - c. **Agreements:** A maintenance and hold harmless (of CBJ) agreement will need to be drafted, signed, and recorded for all shared infrastructure for the development, e.g. driveway, water, sewer, etc.
19. **Drainage** – Submit a drainage plan indicating how drainage from the proposed subdivision will join an established drainage channel or structures. The plan must be designed by an Alaskan licensed engineer due to the hillside endorsement requirements of Title 49. All drainage and site development will also need to be inspected by an Alaskan licensed engineer at no cost to CBJ. Easements must be provided on the plat for all established drainage ways or any proposed drainage ways that cross any current or future abutting property lines.
20. **Utilities** – (water, power, sewer, etc.) A minimum of 1" water service and 4" sewer service will need to be installed to the property line of each newly created lot within one-year of recording of the plat. At the time of preliminary plat submittal, please submit a construction plan for the new utilities. The submittals must meet current CBJ Standards and Specifications. The plan needs to include pipe locations, type, sizing, for both water and sewer and grades for sewer to indicate appropriate fall will be achieved. The construction plan can be shown on an existing as-built drawing that also includes existing features such as structures and other existing utilities.

The following permits will need to be obtained to provide utilities to the property line of the newly created lot:

- a. **CBJ right-of-way (ROW) permit-** Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will allow the tapping of the water and sewer mains, water and sewer service installation, and road restoration within the right-of-way. Inspection fees, refundable bond amount, and conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application.

Once within the private property the following utility permits are required:

- a. **Water Utility permit** – for the water/fire line to be installed to the new structure. The line sizing is determined by the engineer. If there is more than one dwelling unit installed on one property then a meter is required to be installed prior to any branches in the plumbing line. The meter location and sizing shall be shown on the mechanical plans. See the attached CBJ Standard Detail 420, Meter Installation, for meter clearances and conduit installation requirements for the remote read-out (MIU) installation. The meter installation and conduit installation is the responsibility of the applicant. A water assessment will need to be paid and will be determined after sizing of meter (if required) and domestic line are identified.
- b. **Sewer Utility permit** – for the sewer line to be installed to the new structure. The line sizing is determined by the engineer. The mechanical plans shall include a drainage fixture

Pre-Application Conference Final Report

unit (DFU) count. A sewer assessment and inspection fees will need to be paid and will be determined after review of the DFU's and the configuration of the underground sewer line.

Sewer options:

- a. For a duplex with no subdivision - Minimum 6" sewer service may be installed within the Peters Lane right-of-way within the roadway to the existing 8" mainline. To determine if this will be feasible it is advised to work with an Alaskan licensed mechanical engineer to determine if the existing pipe will provide the capacity required. Please be aware that the property owner is responsible for maintenance, repair, or replacement or any or all of the sewer line and service from the structure to the point of connection at the main line.
- b. For subdivided property with zero-lot line structure - Extend the 8" mainline, install a manhole, install two minimum 4" sewer services to the newly created lots, and one minimum 4" sewer service to neighboring lot 4. CBJ Engineering & Public Works has offered to provide the materials, pipe, fittings and manhole, and inspection for the work within the Peters Land right-of-way. CBJ Engineering & Public Works is also willing to design this option, but will only commence the design after the option of extending the mainline is selected.

Other Applicable Agency Review

21. N/A

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Grading permit
2. Building Permit
3. Development Permit: submit the sketch plat (site plan) depicting the existing parcels, and the proposed common walls, setbacks, access, parking etc. per 49.65.710
4. Minor subdivision application *to create lot line at the common wall after foundations are poured and exact location of the common lot line is known.*
5. Final Plat
6. Hillside Endorsement

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report
2. Preliminary plat check list
3. If shared driveway is proposed –draft maintenance agreement for shared driveway

Pre-Application Conference Final Report

4. Additional materials as required by 49.65 Article 7 – as-built, common wall and homeowner agreements, easements etc.
5. Additional materials as required by 49.70 Article 2 – vicinity map, site maps, site plan, engineered drawings, etc.

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. Test holes for purposes of gathering information for the hillside endorsement application do not require a hill side endorsement.

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Building permit fees – Will be determined at time of application
2. Minor subdivision Fee - \$400 plus \$25 for each resulting lot (\$450.00 total),
3. Hillside endorsement – gross hourly rate for professional review and inspection. Developer shall deposit 1% the value of the site development, excluding the portion of the site determined by the engineer to be subject to public transmission facility permit, in a specialty reserve account, which the CBJ may bill its documented time and expenses. Developer shall promptly replenish the amount when requested. No endorsement shall be issued if there is a deficiency in the reserve account. All unexpended funds in the reserve account shall be returned to the developer upon final approval of the development or when the engineer is satisfied the work under the endorsement is complete and the requirements met.
4. Water Utility Permit (work within private property):
 - a. Water assessment fee based on the domestic line size and will be determined during plan review. Covers the cost of permit issuance, issuance of meter, and MIU installation.
5. Sewer Utility Permit (work within private property):
 - a. Based on DFU and will be determined at time of plan review.
 - b. \$60.00 per inspection or trip, will be determined at time of construction plan review.
6. ROW Permit (work within the ROW):
 - a. \$10 permit fee
 - b. Inspection fees - \$60 per inspection trip or hour, will be determined at time of construction plan review (if the sewer mainline extension option is selected this fees will only apply to the water installation).
 - c. Refundable bond – will be determined at time of construction plan review. Can be paid in the form of cash, check, surety, or conveyance.
 - d. Bond fee – dependent on type of bond payment.

Pre-Application Conference Final Report

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your Completed Application

You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
DATE: June 9, 2021
FROM: Rorie Watt, City Manager
RE: Norwegian Cruise Lines Donation

Norwegian Cruise Lines has offered to donate \$2M to the CBJ to assist in the recovery from the pandemic and the loss of all of the 2020 and at least some of the 2021 cruise ship seasons.

In talking to NCL, they have represented the logic of the donation in simple terms:

- NCL has assisted other ports in other countries that have experienced natural disasters.
- NCL believes that the locally elected officials are best situated to decide how to expend the funds.
- NCL believes that the cruise ship port communities in Southeast Alaska are the hardest economically hit in the entire world from the COVID-19 pandemic.

The Assembly may decide whether to accept the donation; I understand why the Assembly may feel uncomfortable in receiving these monies. In particular:

- A. NCL has a large development project that must go through public process
- B. Citizens were proposing Charter amendments; the Assembly may wish to remain and appear to remain neutral on citizen rights to initiative and referendum.
- C. Public perception – it is very unusual for a private company to donate funds to a government.

All that said, in my opinion, the Assembly is best situated to make financial decisions for the community. While it may make you uncomfortable, the responsibility to make tough decisions is why you all ran for office. Moreover, the notion that the funds could influence your decisions rests solely on the Assembly and the answer is simple – accept the funds and weigh all future issues impartially, the same as the Assembly always has done.

Recommendation:

By motion, the Assembly should decide on whether to accept the \$2M donation from Norwegian Cruise Lines. If the answer is the affirmative, the Assembly is under no time constraints to make decision on distribution of the funds.

Cruise Line Agencies of Alaska
Cruise Ship Expected Calls for 2021
FOR PORT(S) = JNU
AND SHIP(S) = ALL
AND VOYAGES = ALL

SHIP	JNU
CARNIVAL MIRACLE	8
MAJESTIC PRINCESS	10
MILLENNIUM	11
NG QUEST	7
NG SEA BIRD	7
NG SEA LION	7
NG VENTURE	7
NIEUW AMSTERDAM	10
NORWEGIAN ENCORE	11
OVATION OF SEAS	9
REGATTA	1
SERENADE OF THE SEAS	10
SILVER MUSE	10
TOTAL CALLS	108
TOTAL PAX	214978

Cruise Line Agencies of Alaska
Cruise Ship Calendar for 2021
FOR PORT(S) = JNU
AND SHIP(S) = ALL
AND VOYAGES = ALL

Sunday, June 6 JNU NG VENTURE 06:00 - 23:00 CT	Monday, June 7	Tuesday, June 8	Wednesday, June 9	Thursday, June 10	Friday, June 11	Saturday, June 12
Sunday, June 13	Monday, June 14	Tuesday, June 15	Wednesday, June 16	Thursday, June 17	Friday, June 18	Saturday, June 19
Sunday, June 20 JNU NG VENTURE 06:00 - 23:00 CT	Monday, June 21	Tuesday, June 22	Wednesday, June 23	Thursday, June 24	Friday, June 25	Saturday, June 26
Sunday, June 27	Monday, June 28	Tuesday, June 29	Wednesday, June 30 JNU NG SEA LION 06:00 - 23:00 ICT	Thursday, July 1	Friday, July 2	Saturday, July 3
Sunday, July 4 JNU NG VENTURE 06:00 - 23:00 CT	Monday, July 5	Tuesday, July 6 JNU NG SEA BIRD 06:00 - 23:00 ICT	Wednesday, July 7	Thursday, July 8	Friday, July 9	Saturday, July 10
Sunday, July 11	Monday, July 12	Tuesday, July 13	Wednesday, July 14	Thursday, July 15	Friday, July 16 JNU NG SEA BIRD 06:00 - 23:00	Saturday, July 17
Sunday, July 18 JNU NG VENTURE 06:00 - 23:00 CT	Monday, July 19	Tuesday, July 20 JNU NG SEA LION 06:00 - 23:00 ICT	Wednesday, July 21	Thursday, July 22	Friday, July 23 JNU SERENADE O 07:00 - 20:00	Saturday, July 24
Sunday, July 25	Monday, July 26 JNU NG SEA BIRD 06:00 - 23:00 ICT JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, July 27 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, July 28	Thursday, July 29	Friday, July 30 JNU NG SEA LION 06:00 - 23:00 JNU SERENADE O 13:30 - 21:30	Saturday, July 31
Sunday, August 1 JNU NG VENTURE 06:00 - 23:00 CT	Monday, August 2 JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, August 3 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, August 4 JNU SILVER MUSE 22:00 - CT	Thursday, August 5 JNU SILVER MUSE - 16:00 CT JNU NG SEA BIRD 06:00 - 23:00 ICT JNU SERENADE OF THE SEA 08:00 - 18:00 AS	Friday, August 6	Saturday, August 7

Sunday, August 8		Monday, August 9 JNU NG SEA LION 06:00 - 23:00 ICT JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, August 10 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, August 11 JNU NORWEGIAN ENCORE 06:00 - 13:30 AJD	Thursday, August 12	Friday, August 13 JNU SERENADE O 13:30 - 21:30	Saturday, August 14
Sunday, August 15 JNU NG VENTURE 06:00 - 23:00 IVF JNU NG SEA BIRD 06:00 - 23:00 ICT JNU SILVER MUSE 08:00 - CT JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, August 16 JNU SILVER MUSE - 04:00 CT JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, August 17 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, August 18 JNU NORWEGIAN ENCORE 06:00 - 13:30 AJD	Thursday, August 19 JNU NG SEA LION 06:00 - 23:00 ICT JNU SERENADE OF THE SEA 08:00 - 18:00 AS	Friday, August 20	Saturday, August 21
Sunday, August 22 JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, August 23 JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, August 24 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL JNU SILVER MUSE 22:00 - CT	Wednesday, August 25 JNU SILVER MUSE - 18:00 CT JNU NORWEGIAN ENCORE 06:00 - 13:30 AJD JNU NG SEA BIRD 06:00 - 23:00 ICT	Thursday, August 26	Friday, August 27 JNU SERENADE O 13:30 - 21:30	Saturday, August 28
Sunday, August 29 JNU NG VENTURE 06:00 - 23:00 CT JNU NG SEA LION 06:00 - 23:00 ICT JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, August 30 JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, August 31 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, September 1 JNU NORWEGIAN ENCORE 06:00 - 13:30 AJD	Thursday, September 2	Friday, September 3 JNU SERENADE O 07:00 - 20:00	Saturday, September 4
Sunday, September 5 JNU SILVER MUSE 08:00 - CT JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, September 6 JNU SILVER MUSE - 04:00 CT JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, September 7 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, September 8 JNU NORWEGIAN ENCORE 07:00 - 16:00 AJD	Thursday, September 9	Friday, September 10 JNU SERENADE O 13:30 - 21:30	Saturday, September 11
Sunday, September 12 JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, September 13 JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, September 14 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, September 15 JNU NORWEGIAN ENCORE 07:00 - 16:00 AJD JNU SILVER MUSE 22:00 - CT	Thursday, September 16 JNU SILVER MUSE - 16:00 CT	Friday, September 17 JNU SERENADE O 07:00 - 20:00 JNU CARNIVAL M 07:00 - 23:00	Saturday, September 18
Sunday, September 19 JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, September 20 JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, September 21 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, September 22 JNU NORWEGIAN ENCORE 07:00 - 16:00 AJD JNU SERENADE OF THE SEA 12:00 - 20:30 AS	Thursday, September 23	Friday, September 24	Saturday, September 25
Sunday, September 26 JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, September 27 JNU NIEUW AMSTERDAM 13:00 - 22:00 AS JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, September 28 JNU MAJESTIC PRINCESS 12:00 - 22:00 FKL	Wednesday, September 29 JNU NORWEGIAN ENCORE 07:00 - 16:00 AJD	Thursday, September 30	Friday, October 1	Saturday, October 2
Sunday, October 3 JNU OVATION OF SEAS 12:00 - 21:00 AS		Monday, October 4 JNU MILLENNIUM 13:30 - 22:00 AJD	Tuesday, October 5	Wednesday, October 6 JNU NORWEGIAN ENCORE 07:00 - 16:00 AJD	Thursday, October 7	Friday, October 8	Saturday, October 9

Sunday, October 10 JNU OVATION OF SEAS AS 12:00 - 21:00	Monday, October 11	Tuesday, October 12	Wednesday, October 13 JNU NORWEGIAN ENCORE AJD 07:00 - 16:00	Thursday, October 14	Friday, October 15	Saturday, October 16
Sunday, October 17	Monday, October 18	Tuesday, October 19	Wednesday, October 20 JNU NORWEGIAN ENCORE AJD 07:00 - 16:00	Thursday, October 21	Friday, October 22	Saturday, October 23

2021 2nd Late File List to AssemblyHardship List:

Name	Parcel Number	Property Address
JIM DORN	6D1201120070	11468 N DOUGLAS HWY
LINDA E KRUGER	1D050L170120	3042 NOWELL AVE
THERESE & GERALD HARVEY	4B230106404A	12175 GLACIER HWY UNIT A404

Late File Senior Exemption List:

Name	Parcel Number	Property Address
ANDREW G MAAS	1C030J080080	324 HIGHLAND DR
TERRENCE J MILLER	5B2402150180	8520 EAST VALLEY CT
MARILYN MONAGLE	5B2501270010	3730 EL CAMINO ST
ROBERT SWANSON	5B2401020080	8407 NUGGET DR

Hello,

Attached is my application for a Senior Citizen Property Hardship Exemption. My 2020 tax return was delayed due to COVID and I just now received it.

Thank you for your consideration.

Jim Dorn

3042 Nowell Ave
Juneau, Alaska

Mailing address:

May 28, 2021

Office of the Assessor,

In early April I was hospitalized in Seattle and unexpectedly had to stay in Seattle until this past week. I recently returned to Juneau, finished my 2020 taxes and discovered that I qualify for the Senior Citizen Tax Hardship Exemption While I realize that I missed the April 30 deadline I am hoping you will take into consideration my unusual situation. I did not even realize I qualified for the exemption until today when my taxes were finally filed late.

Thank you for your consideration of my request. It has been a challenging year!



Linda E. Kruger

Received
MAY 28 2021
CBJ-Assessors Office

Received

JUN 03 2021

CBJ-Assessors Office

LETTER OF EXPLANATION FOR LATE-FILE APPEAL

Parcel ID #:	43230106404A	Date:	
Appellant Name:	THELMA HULLY THERESE ELLIOTT-HARVEY		
Appellant Signature:	THELMA HULLY		
Site Location:	12175 GLACIER HWY A404 JUNEAU AK 99801		
Mailing Address:			
Phone #:			
Email Address:			

In the space below please state why you were unable to appeal by the established 30-day deadline:

RE: VETERAN PROPERTY TAX HARDSHIP EXEMPTION.

The application was sent in Mid March at
 Same time as ~~paper~~ sales tax exemption application
 with all tax paperwork included.

On June 2nd I was notified by CBJ that
 there was duplicate files submitted for
 sales tax exemption. It was clear what had
 happened: I must have not included the
 Cover Sheet for the Property Tax Hardship
 Exemption with tax info. So - not duplicates,
 just one missing the cover sheet. I am asking
 for forbearance and acceptance of the application
 even though it is past April 30.

Thank you for your consideration!

P.S. Please pardon handwriting.
 usually type everything
 but not today.

THELMA HULLY

LETTER OF EXPLANATION FOR LATE-FILE APPEAL

Parcel ID #:	1C0305080080	Date:	5-26-21
Appellant Name:	Andrew MAAS		
Appellant Signature:	Andrew Maas		
Site Location:			
Mailing Address:	324 Highland DR		
Phone #:			
Email Address:			

In the space below please state why you were unable to appeal by the established 30-day deadline:

Because of the COVID 19, I am not
yet - vaccinated.
So I did not apply for my Senior
exemption, on time.

Statement of Why My Filing is Late

My Mortgage Supplier (USAA Federal credit service) has always withheld and paid my Property tax.

I received my assessment from CBT assessor's office on 4/04/2021 without an tax exemption.

My brother Pete Miller was with me and asked me why I didn't get an \$150,000⁰⁰ exemption. I told him that I did not know why.

I called the Assessor's office and was informed that I needed to apply for the tax exemption. The man at the assessor's office helped me download the application form and told me that I would have to give a statement as to why my application was late.

When I turned 65 year old, I had a much greater income. I paid in come tax on as much as \$500,000⁰⁰ per year. At that time I didn't need an exemption. I am now living on my Social Security.

I would appreciate your consideration. I can be reached at [REDACTED]

Sincerely

Terrance J Miller

We would like to ask the Assembly to excuse our late filing. We realize we are several weeks late in submitting the application, and to be honest, the fault is entirely on us. However, should the Assembly choose to overlook our oversight, we would be very grateful for their generous consideration.

Respectfully,

Michael and Marilyn Monagle

To whom it may concern,

My name is Robert Swanson and I turned 65 years old on December 3rd of 2020. I had heard on one of our local radio stations that the senior property tax exemption was no longer in effect. I only became aware that this was false a short while ago hence my tardiness. I now have the senior tax exemption card. I am writing in hopes that my property tax exemption will be effective this year. I have been a Juneau resident since February 1958.

Thank you in advance for

For your consideration

Robert Swanson

A handwritten signature in black ink that reads "Robert Swanson". The signature is written in a cursive style, with the first name "Robert" being more stylized and the last name "Swanson" being more legible.

Presented by: Smith
Presented: 06/14/2021
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2956

A Resolution Designating Certain City and Borough of Juneau Property for Use of Fireworks.

WHEREAS, Ordinance 2021-03 allows the Assembly to designate City and Borough of Juneau property for use of fireworks; and

WHEREAS, Ordinance 2021-03 allows a person to use concussive fireworks on designated public property (i) outside the fire service area and (ii) only on New Year's and Fourth of July as defined by this chapter; and

WHEREAS, Ordinance 2021-03 allows a person to use holiday fireworks on designated public property (i) inside the fire service area only on New Year's and Fourth of July as defined by this chapter; or (ii) outside the fire service area year-round from 10:00 AM to 10:00 PM; and

WHEREAS, Ordinance 2021-03 allows a person to use allowable fireworks on designated public property (i) on New Year's and Fourth of July as defined by this chapter, or (ii) year-round from 10:00 AM to 10:00 PM; and

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Designated Public Property. Consistent with Ordinance 2021-03, the following City and Borough of Juneau land is designated public property for use of fireworks:

(A) **Eaglecrest:** CBJ property managed by the Ski Area Board.

(B) **Parks & Rec.:** CBJ property managed by the Parks and Recreation Department.

(C) **Docks and Harbors:** CBJ property managed by the Docks and Harbors Board.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2021.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

Presented by: COW
Presented: 05/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-03

An Ordinance Regulating Fireworks and Providing for a Penalty.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Title. Title 36, Health and Sanitation, is amended by adding a new chapter to read:

36.80 FIREWORKS CONTROL CODE

36.80.010 Fireworks control.

- (a) This chapter shall be known as the Fireworks Control Code.
- (b) The intent of this chapter is to comprehensively regulate the use, possession, and sale of fireworks despite any contradictory provision of Title 19. Title 19 shall govern the storage of fireworks. Pursuant to Title 19, the fire chief may still prohibit or restrict the use of all fireworks at any time due to increased fire danger or any other reasons which may create a significant increased risk to public health and safety.
[State law reference, A.S. 18.72.060]

36.80.020 Fireworks prohibition and exceptions.

- (a) General Prohibition. Except as specifically provided below, the use of a firework is prohibited within the City and Borough of Juneau.
- (b) Exceptions.
 - (1) Concussive Fireworks. A person may use concussive fireworks for personal use when all three conditions are met: (i) on private property with the permission of the property owner or on designated public property, (ii) outside the fire service area, and (iii) only on New Year's and Fourth of July as defined by this chapter.

(2) **Holiday Fireworks.** A person may use holiday fireworks on private property with the permission of the property owner or on designated public property (i) inside the fire service area only on New Year's and Fourth of July as defined by this chapter; or (ii) outside the fire service area year-round from 10:00 AM to 10:00 PM.

(3) **Allowable Fireworks.** A person may use allowable fireworks on private property with the permission of the property owner or on designated public property (i) on New Year's and Fourth of July as defined by this chapter, or (ii) year-round from 10:00 AM to 10:00 PM.

(4) **Year-round Outside the Road Service Area.** A person may use concussive, holiday, and allowable fireworks for personal use on private property with the permission of the property owner or on designated public property outside the road service area.

(5) **Public Display.** A person or entity holding a valid firework display permit issued by the City and Borough of Juneau and the State may provide a public display of fireworks consistent with the permit.

(6) **Official Use.** Employees, contractors, and permittees of the City and Borough of Juneau, State, or any federal agency may use fireworks in the interest of public safety or wildlife control, including at the solid waste facility and the Juneau International Airport.

(c) **Violations.** A violation of this section is an infraction.

36.80.030 City and Borough of Juneau fireworks display permit.

(a) The fire chief, or designee, may issue a pyrotechnic permit for public fireworks displays, provided the following conditions are satisfied:

(1) Dates, times, and location of the proposed display(s); and

(2) That all required state licenses or permits have been procured (e.g. State of Alaska Fireworks Display Permit); and

(3) That a policy or certified true copy of a policy of public liability insurance and products liability insurance coverage provided by the applicant or his or her employer has been filed with the City and Borough of Juneau Risk Manager, which provides for both accident and occurrence coverage in the amount of at least one million dollars for bodily injury and death and at least five hundred thousand dollars for property damage; and

(4) That the fireworks display is to be conducted by a State of Alaska licensed pyrotechnic operator; and

(5) That the CBJ fireworks display permit expires no longer than thirty days from the date of issuance.

(b) Upon receipt of an application for a CBJ fireworks display permit, the fire chief shall review the application for completeness and send the application out for agency review, including to the Juneau Police Department, CBJ Risk Manager, CBJ Manager's Office, and to the State fire marshal. The agency review should occur within two weeks. Upon the fire chief's determination that the application is complete, in consideration of the agency comments, the fire chief may approve the application, approve the application with conditions, or deny the application. If the fire chief imposes conditions or denies the application, the fire chief must articulate what public health, safety, or welfare reasons support the denial or imposition of conditions.

36.80.040 Sale of fireworks.

(a) Prohibition. The sale of fireworks, display of fireworks for sale, offer to sell, or possess with intent to sell fireworks is prohibited

(1) within the fire service area;

(2) outside of the fire service area unless authorized by a retail firework permit from the City and Borough of Juneau. A government vendor, including a federally recognized tribal government, is exempt from the permit requirement.

(b) Violation. A violation of this section is a Class B misdemeanor.

36.80.045 City and Borough of Juneau retail firework permit.

(a) A person may sell or offer for sale fireworks when all of the conditions are satisfied:

(1) The retail store is located outside the fire service area;

(2) The vendor has received a retail firework permit from the State of Alaska;

(3) The fire chief approves and issues a CBJ retail firework permit;

(4) Only saleable fireworks are sold or offered for sale;

(5) The Juneau area fire danger is low or moderate; and

(6) The vendor confirms each buyer is 18 year of age or older. A vendor is prohibited from giving fireworks to a person under 18 year of age.

(b) Fire Chief Review. Upon receipt of an application for a CBJ retail fireworks permit, the fire chief shall review the application for completeness. The application must include the same information submitted to the State of Alaska for an A.S. 18.72.020 permit. The fire chief's review should occur within two weeks. The fire chief may approve the application, approve the application with conditions, or deny the application. If the fire chief imposes conditions or denies the application, the fire chief must articulate what public health, safety, or welfare reasons support the denial or

imposition of conditions. An applicant aggrieved by a decision of the fire chief may appeal to the manager whose decision shall constitute final agency action.

(c) Duration. A CBJ retail firework permit shall expire 12 months from the date the fire chief issues it. The fire chief may temporarily revoke a CBJ retail firework permit upon notice to the applicant that fire danger conditions are high, very high, or extreme. The fire chief may also revoke a CBJ retail firework permit upon violation of a condition of the permit, violation of this chapter, violation of A.S. 18.72, or violation of Title 19.
[State law reference A.S. 18.72.010—020]

36.80.050 Possession of fireworks.

(a) Possession of Saleable Fireworks. Except as pursuant to a valid permit, or similar authorization, by the City and Borough of Juneau, State, or federal agency, a person must not possess more than 75 gross pounds of saleable fireworks. The gross weight of fireworks includes the combined weight of each individual firework. All fireworks must be stored and transported consistent with Title 19, State, and federal law.

(b) Possession of Dangerous Fireworks. Except as pursuant to a valid permit, or similar authorization, issued by the City and Borough of Juneau, State, or federal agency, a person must not possess dangerous fireworks.

(c) Commercial Transportation. Consistent with federal and state law, a contract or common carrier may transport saleable fireworks in excess of the amount listed in subsection (a).

(d) Violation. A violation of this section is an infraction.
[Federal law reference 18 U.S.C. 836]

36.80.060 Miscellaneous fireworks provisions.

(a) It is unlawful for any person under the influence of any alcoholic beverage, intoxicating liquor, marijuana, controlled substance as defined in AS 28.33.190, or illegal drug to use a firework. In addition to other indicators, a person is under the influence of alcohol if a chemical test determines that at the time the test is administered, there is 0.08 percent or more, by weight, of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or when there is 0.08 grams or more of alcohol per 210 liters of the person's breath.

(b) It is unlawful for any person to use or attempt to use a firework in any manner that could reasonably cause harm to life or property.

(c) Violation. A violation of this section is an infraction.

36.80.070 Definitions.

For the purposes of this chapter, the following definitions apply:

Allowable firework means a saleable firework and limited to the following:

- (A) Reserved;
- (B) Reserved;
- (C) Reserved;
- (D) Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed $\frac{3}{4}$ inch;
- (E) Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
- (F) Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel, and the inside tube diameter of driver units not to exceed $\frac{1}{2}$ inch;
- (G) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;
- (H) Dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate, that do not exceed five grams, and sparklers, the composition of which does not exceed 100 grams each and that contains no magnesium or magnesium and a chlorate or perchlorate;
- (I) Reserved;
- (J) Reserved;
- (K) Novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

Concussive firework means a saleable firework (i) that has an inside tube diameter greater than $\frac{3}{4}$ inch or (ii) that is a mine and shell of which the mortar is an integral part.

Dangerous firework means all fireworks that are not defined as a saleable firework.

Designated public property means publicly owned property or publically controlled property (i.e. lease, right-of-way) in which the government, governing board, agency, department, or person with authority specifically identifies as eligible for use of fireworks.

Display means the result of igniting, detonating, or explosion of a firework.

Fire service area means the area as defined by CBJC 01.30.100.

Firework means a saleable (concussive, holiday, or allowable) firework or a dangerous firework.

Holiday firework means a saleable firework and limited to the following:

- (A) Roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter not to exceed $\frac{3}{8}$ inch;
- (B) Skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed $\frac{1}{2}$ inch, with the rocket sticks being securely fastened to the tubes;
- (C) Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed $\frac{1}{2}$ inch;
- (D) Reserved;
- (E) Reserved;
- (F) Reserved;
- (G) Reserved;
- (H) Reserved;
- (I) Reserved;
- (J) Firecrackers with soft casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight;
- (K) Reserved.

New Year's and Fourth of July are defined as follows:

New Year's	
December 31	10:00 am – midnight (14 hours)
January 1	Midnight – 1:00 am (1 hour), and 10:00 am – 11:59 pm (14 hours)
Fourth of July	
July 3	10:00 am – midnight (14 hours)
July 4	Midnight – 1:00 am (1 hour), and 10:00 am – 11:59 pm (14 hours)

Public display means to use, ignite, detonate or explode fireworks on public property or intended for a public audience.

Roaded service area means the area defined by CBJC 1.30.320.

Saleable firework means a 1.4 G firework, as defined by the National Fire Protection Association, and, more specifically, shall include and be limited to the following:

- (A) Roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter not to exceed $\frac{3}{8}$ inch;
- (B) Skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed $\frac{1}{2}$ inch, with the rocket sticks being securely fastened to the tubes;
- (C) Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed $\frac{1}{2}$ inch;
- (D) Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed $\frac{3}{4}$ inch;
- (E) Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;
- (F) Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel, and the inside tube diameter of driver units not to exceed $\frac{1}{2}$ inch;

(G) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;

(H) Dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate, that do not exceed five grams, and sparklers, the composition of which does not exceed 100 grams each and that contains no magnesium or magnesium and a chlorate or perchlorate;

(I) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight;

(J) Firecrackers with soft casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight;

(K) Novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

State licensed pyrotechnic operator means an individual who has been licensed by the Alaska Department of Public Safety, Fire and Life Safety Division.

Use of a firework or use firework means to ignite, discharge, or attempt to ignite a firework.
[State law reference, A.S. 18.72.100]

Section 3. Amendment of Section. Section 03.30.053, Health and Sanitation fine schedule, is amended by adding the following:

CBJC	Offense	No. of Offense	Fine
36.80.020(a)	Use of firework	1 st	\$250
		2 nd and subseq.	\$500 and MCA
36.80.050(a) and (b)	Possession of fireworks	1 st	\$250
		2 nd and subseq.	\$500 and MCA
36.80.060(a)	Use of fireworks under influence	1 st	\$250
		2 nd and subseq.	\$500 and MCA
36.80.060(b)	Negligent use of fireworks	1 st	\$250
		2 nd and subseq.	\$500 and MCA

Section 4. Amendment of Section. CBJC 67.01.090, Prohibited uses, is amended by adding the following:

...

(m) Fireworks. Except for an area specifically designated for use of fireworks by the Assembly, use of a firework is prohibited within the limits of any area designated in section 67.01.030. Firework and use of firework have the same meanings as in CBJC 36.80.070. The Assembly, by resolution, may designate any area designated in section 67.01.030 for use of fireworks during specific times.

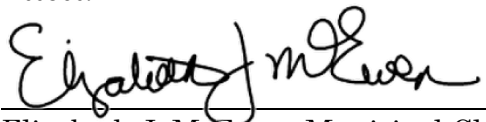
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 24th day of May, 2021.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk

CBJ ROADED SERVICE AREA

Service Area #9- The Roaded Service Area- R
includes all other former Service Areas R
nd extends 1/2 mile beyond any existing road
(Serial No. 88-25 -adopted 5/31/1988)R

Service Area #10- Fire Protection AreaR
(Serial No. 94-11- adopted 3/7/1994)R

NR

2

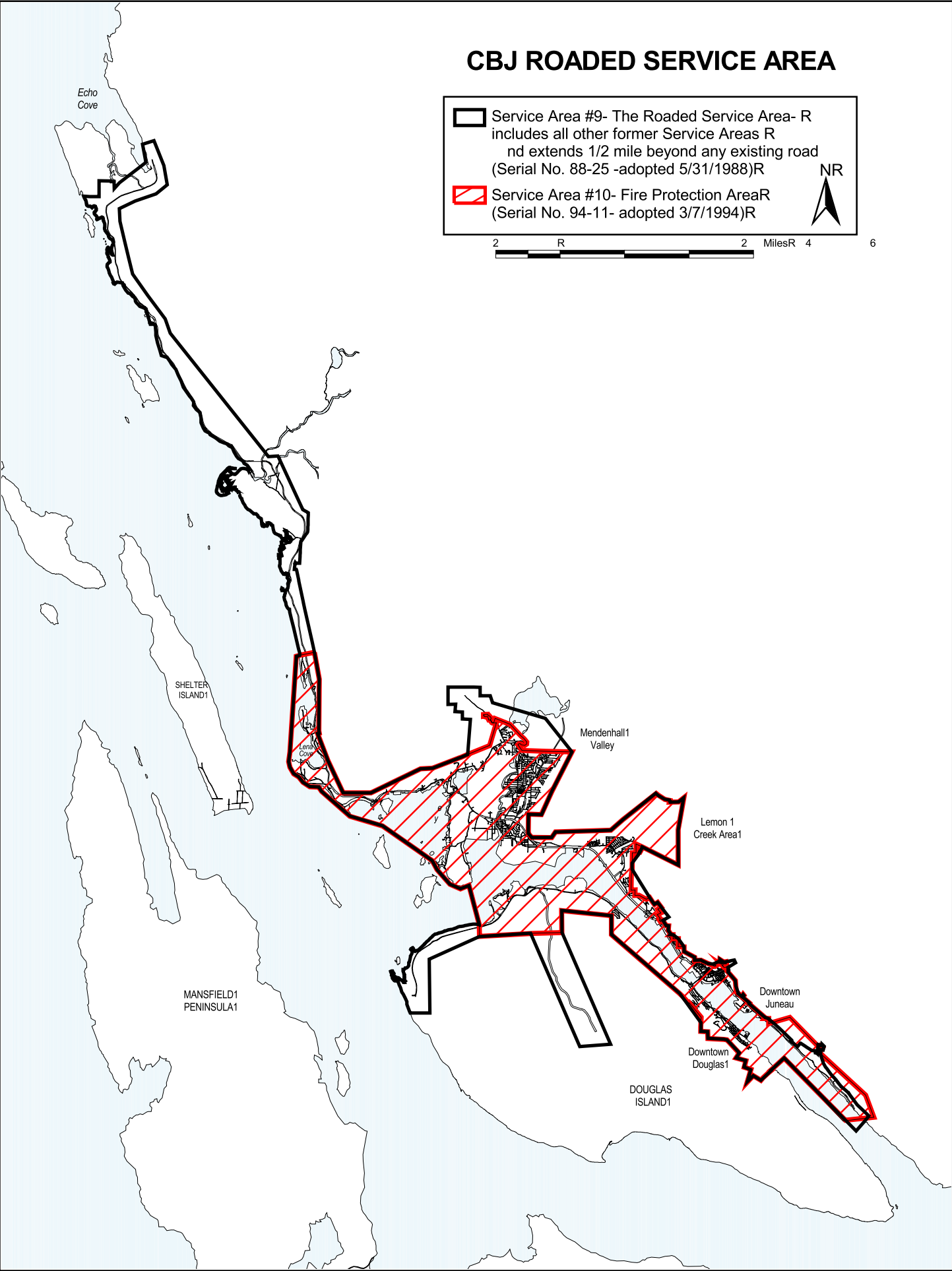
R

2

MilesR

4

6



The following reflects the changes made at the Assembly COW on April 12, 2021 to Ord. 2021-03. FSA means Fire Service Area.

Saleable Class of Firework	CBJC 36.80.070 Category	CBJC 36.80.020 Restrictions	Existing Fireworks Policy
Mines and shells (mortars) and tubes > 3/4")	Concussive Firework	- Inside FSA: prohibited - Outside FSA: Allowed only Jan. 1 and July 4	- Inside FSA: allowed Jan 1 and July 4 - Past Cohen Drive: allowed year-round, 10am to 10pm
Roman candle	Holiday Firework	- Inside FSA: Allowed Jan. 1 and July 4 - Outside FSA: Allowed year-round 10am to 10 pm	- Inside FSA: allowed Jan 1 and July 4 - Past Cohen Drive: allowed year-round, 10am to 10pm
Skyrockets with sticks	Holiday Firework		
Helicopter rockets	Holiday Firework		
Firecrackers with soft casing	Holiday Firework		
Cylindrical fountain	Allowable Firework	- Allowed year round, 10 am to 10 pm - Expanded hours around Jan. 1 and July 4	Allowed Year-round, anytime anywhere
Cone fountain	Allowable Firework		
Wheels	Allowable Firework		
Illuminating torches	Allowable Firework		
Dipped sticks	Allowable Firework		
Novelties	Allowable Firework		

FIREWORKS

use guidelines

IN THE CITY & BOROUGH OF JUNEAU

TYPE OF FIREWORK		WHEN TO USE	WHERE TO USE
CONCUSSIVE FIREWORKS	Mines and shells (mortars) and tubes larger than 3/4"	Dec. 31 10am-midnight Jan. 1 Midnight-1am & 10am-11:59pm July 3 10am-midnight July 4 Midnight-1am & 10am-11:59pm	On private property located outside the Fire Service Area*
	Roman candles, Skyrockets with sticks, Helicopter rockets, Firecrackers with soft casings	Year-round from 10am-10pm Dec. 31 10am-midnight Jan. 1 Midnight-1am & 10am-11:59pm July 3 10am-midnight July 4 Midnight-1am & 10am-11:59pm	On private property located outside the Fire Service Area*
HOLIDAY FIREWORKS			On private property
ALLOWABLE FIREWORKS		Year-round from 10am-10pm Dec. 31 10am-midnight Jan. 1 Midnight-1am & 10am-11:59pm July 3 10am-midnight July 4 Midnight-1am & 10am-11:59pm	On private property



**PLACE
HOLDER**

***Fire Service Area** extends from the end of Thane Road to Cohen Drive; out to the North Douglas boat launch and up to the houses on Fish Creek Road; out to the end of Sandy Beach on Douglas; all of Lemon Creek; and all of the Mendenhall Valley.

VIOLATION OF THESE RULES ARE SUBJECT TO A \$250 FINE.



Presented by: The Manager
 Introduced: April 5, 2021
 Drafted by: Finance

Ordinance of the City and Borough of Juneau

Serial No. 2021-08(b)(am)

**An Ordinance Appropriating Funds from the Treasury
 for FY22 City and Borough Operations**

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Estimated Funding Sources. The following amounts are the estimated funding sources for the City and Borough of Juneau, excluding the Juneau School District, for the fiscal year beginning July 1, 2021, and ending June 30, 2022. It is anticipated that these estimated funding sources will meet the appropriations set forth in Section 3 of this ordinance.

ESTIMATED REVENUE:

State Support	\$ 17,009,900
Federal Support	17,181,600
Taxes	107,173,600
Charges for Services	155,188,600
Licenses, Permits, Fees	3,869,000
Fines and Forfeitures	308,600
Rentals and Leases	3,093,900
Investment & Interest Income	4,853,400
Sales	582,800
Other Revenue	2,473,400
Total Estimated Revenue	<u>311,734,800</u>

General Governmental Fund Balance	Increase Decrease	(3,300) 46,700
All Other Funds Fund Balance	Decrease	20,822,800
Support From Other Funds		88,356,200 88,406,200
Total Estimated Funding Sources		<u><u>420,910,500</u></u> 421,010,500

Section 3. Appropriation. The following amounts are hereby appropriated for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

General Governmental Funds:

Mayor and Assembly	\$	5,196,500	
City Manager		3,016,500	
City Clerk		526,500	
Human Resources		713,600	
Management Information Systems		3,032,500	
Capital City Fire		5,367,900	
Capital City Rescue		6,458,000	
Capital Transit		7,133,800	
Community Development		3,113,600	
General Engineering		295,100	
Finance		6,013,100	
Law		2,152,900	
Libraries		3,731,300	
RecycleWorks		1,920,100	
Parks and Recreation:			
Parks and Landscape		2,772,500	
Recreation		6,891,500	
Visitor Services		589,800	
Police		18,443,400	
Streets		5,912,700	
Support To Other Funds:			
School District		29,336,100	
Debt Service		2,546,600	
All Other Funds		975,000	1,025,000
Interdepartmental Charges		(4,113,200)	
Capital Projects Indirect Cost Allocation		(524,300)	
Total		111,501,500	111,551,500

Special Revenue Funds:

Sales Tax	628,300	
Hotel Tax	29,200	
Tobacco Excise Tax	58,500	
Affordable Housing	837,300	
Downtown Parking	672,500	
Eaglecrest	2,908,900	
Lands	988,800	
Library Minor Contributions	38,700	
Marine Passenger Fee	7,500	
Port Development	7,600	
Pandemic Response	686,600	736,600
Support To Other Funds	69,763,500	
Total	76,627,400	76,677,400

Debt Service Funds	\$ 15,032,000	
Special Assessment Funds:		
Special Assessment	399,200	
Support To Other Funds	13,200	
Total	412,400	
Jensen-Olson Arboretum	100,500	
Enterprise:		
Juneau International Airport	10,663,900	
Bartlett Regional Hospital	125,578,400	
Boat Harbors	4,262,600	
Docks	1,401,000	
Water	3,846,800	
Wastewater	12,043,300	
Waste Management	-	
Support To Other Funds	14,957,400	
Interdepartmental Charges	(15,100)	
Total	172,738,300	
Internal Service Funds:		
Equipment Acquisition	11,639,000	
Fleet Maintenance	2,368,200	
Risk Management	29,222,100	
Building Maintenance	2,834,700	
Interdepartmental Charges	(36,831,300)	
Total	9,232,700	
Capital Projects:		
Capital Projects	32,514,700	
CIP Engineering	2,751,000	
Total	35,265,700	
Total Appropriation	\$420,910,500	421,010,500

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption.

Adopted this 14th day of June, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk